



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

**Commissioner / Commissaire
The Honourable / L'honorable
Paul S. Rouleau**

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III

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IV

Appearances / Comparutions

Mr. Peter Sloly

Mr. Tom Curry

Ms. Rebecca Jones

Mr. Nikolas De Stefano

Ottawa Police Service

Mr. David Migicovsky

Ms. Jessica Barrow

Ontario Provincial Police

Mr. Christopher Diana

Ms. Jinan Kubursi

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V

Appearances / Comparutions

Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford
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Insurance Bureau of Canada	Mr. Mario Fiorino

VI
Table of Content / Table des matières

	PAGE
<u>COMM. THOMAS CARRIQUE, Sworn</u>	2
Examination in-Chief by Mr. Eric Brousseau	2
Cross-Examination by Mr. Brendan van Niejenhuis	133
Cross-Examination by Mr. Tom Curry	178
Cross-Examination by Ms. Alyssa Tomkins	205
Cross-Examination by Mr. David Migicovsky	208
Cross-Examination by Mr. Brendan Miller	229
Cross-Examination by Mr. Thomas McRae	245
Cross-Examination by Ms. Jennifer King	248
Cross-Examination by Mr. Paul Champ	261
Cross-Examination by Mr. Sujit Choudhry	271
Cross-Examination by Mr. Alan Honner	280
Cross-Examination by Ms. Lauren Pearce	286
Cross-Examination by Mr. Christopher Diana	289
Re-Examination by Eric Brousseau	299

Ottawa, Ontario

--- Upon commencing on Thursday, October 27, 2022, at 9:30 a.m.

THE REGISTRAR: Order. À l'ordre. The Public Order Emergency Commission is now in session. La Commission sur l'état d'urgence est maintenant ouverte.

COMMISSIONER ROULEAU: Good morning. Bonjour. This is the first day of our third week, so it's only five more weeks to go.

Okay.

MR. ERIC BROUSSEAU: Good morning, Commissioner.

COMMISSIONER ROULEAU: Good morning.

MR. ERIC BROUSSEAU: For the record, Eric Brousseau, Commission Counsel, and I'd like to call the Commission's next witness, OPP Commissioner Thomas Carrique.

COMMISSIONER ROULEAU: Morning.

COMM. THOMAS CARRIQUE: Morning, sir, How are you?

COMMISSIONER ROULEAU: Excellent. So we're going to swear you in and then get started.

COMM. THOMAS CARRIQUE: Thank you.

COMMISSIONER ROULEAU: If you need a break, you'll let us know, but we normally have a morning break of 15 minutes, and lunch break of an hour, and a break in the afternoon.

COMM. THOMAS CARRIQUE: Thank you, sir.

THE REGISTRAR: Commissioner Carrique, will you swear on a religious document, or do you wish to affirm?

COMM. THOMAS CARRIQUE: I would like to swear on

1 the Bible, please. Thank you.

2 **THE REGISTRAR:** For the record, please state your
3 full name and spell it out.

4 **COMM. THOMAS CARRIQUE:** Thomas Carrique, T-H-O-M-
5 A-S C-A-R-R-I-Q-U-E.

6 --- COMM. THOMAS CARRIQUE, Sworn:

7 --- EXAMINATION IN-CHIEF BY MR. ERIC BROUSSEAU:

8 **MR. ERIC BROUSSEAU:** Good morning, Commissioner
9 Carrique.

10 **COMM. THOMAS CARRIQUE:** Good morning.

11 **MR. ERIC BROUSSEAU:** I'll try to refer to you as
12 Commissioner Carrique, since there are a couple of Commissioners
13 on the stage.

14 I'd like to pull up Document WTS00000039, please.
15 And, Commissioner Carrique, you sat for a couple
16 of interviews with Commission Counsel this summer; correct?

17 **COMM. THOMAS CARRIQUE:** I did, yes.

18 **MR. ERIC BROUSSEAU:** And I'm pulling up your
19 interview summary. You reviewed this as it was finalized, I
20 take it?

21 **COMM. THOMAS CARRIQUE:** I did, yes.

22 **MR. ERIC BROUSSEAU:** And do you have any
23 corrections to make to it?

24 **COMM. THOMAS CARRIQUE:** No, I do not.

25 **MR. ERIC BROUSSEAU:** Okay. I understand there
26 was a spelling error on page 8, if we could go to that, just in
27 terms of the name of the police chief for York Regional Police.
28 His name is Jim MacSween and not MacSweeny? Is that accurate?

1 **COMM. THOMAS CARRIQUE:** Correct. I provided that
2 information this morning. And as well on page 9, I think it
3 refers to insurance and it should refer to permit. That's the
4 first word at the top of page 9.

5 **MR. ERIC BROUSSEAU:** Okay. Thank you.

6 **COMM. THOMAS CARRIQUE:** You're welcome.

7 **MR. ERIC BROUSSEAU:** And otherwise, the balance
8 remains accurate?

9 **COMM. THOMAS CARRIQUE:** That is correct.

10 **MR. ERIC BROUSSEAU:** And if I could pull up now
11 OPP.IR.00000001? I'm showing you now the OPP's institutional
12 report. You're aware of its contents?

13 **COMM. THOMAS CARRIQUE:** I am aware of its
14 contents, but I don't believe the document on the screen has
15 changed.

16 **MR. ERIC BROUSSEAU:** Yes, it's coming. Thank
17 you.

18 This is the OPP's institutional report?

19 **COMM. THOMAS CARRIQUE:** Yes, it is.

20 **MR. ERIC BROUSSEAU:** Okay. And to the best of
21 your knowledge, its contents are accurate?

22 **COMM. THOMAS CARRIQUE:** To the best of my
23 knowledge, the contents are accurate.

24 **MR. ERIC BROUSSEAU:** Okay. And I take it you
25 adopt it on behalf of the OPP?

26 **COMM. THOMAS CARRIQUE:** I do adopt this on behalf
27 of the OPP.

28 **MR. ERIC BROUSSEAU:** Thank you. Prior to being

1 appointed as Commissioner of the OPP, you were a Deputy Chief of
2 Police with the York Regional Police Service? Is that correct?

3 **COMM. THOMAS CARRIQUE:** That's correct. Yes, I
4 was.

5 **MR. ERIC BROUSSEAU:** And you've been Commissioner
6 of the OPP since April of 2019?

7 **COMM. THOMAS CARRIQUE:** Correct, sir.

8 **MR. ERIC BROUSSEAU:** And can you tell us briefly
9 what that role entails?

10 **COMM. THOMAS CARRIQUE:** So that role entails
11 having overall operational administrative responsibility for the
12 Ontario Provincial Police. We police 330 municipalities across
13 the province across five regions, each led by a Chief
14 Superintendent, plus a Highway Safety Division. We also are
15 responsible for providing various provincial services through
16 our Investigations and Organized Crime Section, our Traffic
17 Safety and Operational Support Section, and a variety of other
18 specialities.

19 **COMMISSIONER ROULEAU:** Commissioner, if I can
20 just remind you, you may not know, this is being translated as
21 you speak and sign interpretation as you speak, so if you could
22 scroll down just a bit, that would be appreciated.

23 **COMM. THOMAS CARRIQUE:** Thank you, Commissioner.

24 **MR. ERIC BROUSSEAU:** And I think you sort of told
25 us just now about the various departments or divisions within
26 the OPP. Can you tell us who was in charge of each of those in
27 January and February of 2022?

28 **COMM. THOMAS CARRIQUE:** Absolutely. So our Field

1 Operations was Deputy Commissioner Chris Harkins. We then have
2 Corporate Services, which was Provincial Commander Mary
3 Silverthorn, Traffic Safety and Operational Support, Deputy
4 Commissioner Rose DiMarco, and Investigations and Organized
5 Crime, Deputy Commissioner Chuck Cox.

6 **MR. ERIC BROUSSEAU:** Thank you. And during these
7 Freedom Convoy events of January and February, how often were
8 those individuals reporting to you?

9 **COMM. THOMAS CARRIQUE:** It would vary. It could
10 be from multiple times a day, to daily, to weekly. We were in
11 constant contact throughout the entire duration of the convoy.

12 **MR. ERIC BROUSSEAU:** Okay. And within the OPP,
13 is there anyone else that you were in that level of contact with
14 on a daily basis during these events?

15 **COMM. THOMAS CARRIQUE:** Supt. Mike McDonell, who
16 leads our Corporate Communications and Strategic Management
17 Bureau.

18 **MR. ERIC BROUSSEAU:** I want to ask you now about
19 the OPP's role in general. And I'd ask the clerk to pull up
20 Document COM00000819, which is a copy of the *Police Services*
21 *Act*.

22 And if we go to section 19 of the Act, it sets
23 out the responsibilities of the OPP.

24 **COMM. THOMAS CARRIQUE:** Yes, it does.

25 **MR. ERIC BROUSSEAU:** And while we're getting
26 there, if you could just sort of describe them in terms of your
27 understanding of what the OPP is responsible for?

28 **COMM. THOMAS CARRIQUE:** Yes, the OPP, and

1 ultimately I, am responsible for providing policing services in
2 municipalities where they do not have a police service, or under
3 contract. Once that contract and agreement has been approved by
4 the Solicitor General, responsible for policing of navigable
5 water ways that fall outside the jurisdiction of a municipality.
6 Also responsible for maintaining traffic patrol on King's
7 Highways and providing investigative support and specialized
8 services as directed by the Solicitor General or the Crown
9 Attorney.

10 **MR. ERIC BROUSSEAU:** Okay. And I understand from
11 the OPP's institutional reports that the OPP provides policing
12 services for 328 municipalities? Is that correct?

13 **COMM. THOMAS CARRIQUE:** That is correct. I
14 believe we're 330. So 328 is approximately correct.

15 **MR. ERIC BROUSSEAU:** And what percentage of the
16 OPP's sworn members would be engaged in that kind of front-line
17 policing?

18 **COMM. THOMAS CARRIQUE:** Front-line policing, we
19 would have on a day-to-day basis approximately 3,000, and
20 specifically if we go back to the duration of the Freedom
21 Convoy, there were 3,000 provincial constables assigned to Field
22 Operations.

23 **MR. ERIC BROUSSEAU:** Okay. And that includes
24 maintaining policing in these 330 or 28 municipalities?

25 **COMM. THOMAS CARRIQUE:** That it does. That does
26 not include the other policing responsibilities that we have for
27 all the other provincial services that we are mandated to
28 provide.

1 **MR. ERIC BROUSSEAU:** Okay. And so other than the
2 list in section 19, which is on the screen which you just took
3 us through, is there anything else that the OPP is responsible
4 for?

5 **COMM. THOMAS CARRIQUE:** So we have a wide variety
6 of special services that we provide, from aviation services,
7 Provincial Operational Intelligence Bureau, which you've heard a
8 significant amount about. Also, our Provincial Liaison Team,
9 which I know you've also heard a lot about. There's a wide
10 variety of specialized services that the province relies on us
11 to provide from a policing perspective.

12 **MR. ERIC BROUSSEAU:** And one of those, I
13 understand, is Public Order Units? Is that correct?

14 **COMM. THOMAS CARRIQUE:** We are responsible for
15 maintaining public order in the municipalities for which we
16 police. We do not have a jurisdictional responsibility for
17 municipalities outside of our policing responsibilities. We
18 can, however, provide those services if requested.

19 **MR. ERIC BROUSSEAU:** Okay. And can you tell us
20 about the structure of the OPP's Public Order Units?

21 **COMM. THOMAS CARRIQUE:** Our Public Order Unit is
22 approximately 257 trained members. They are primarily assigned
23 to a function which we referred to as our Emergency Response
24 Team. They have 10 mandated functions all related to having a
25 flexible emergency response across the province, one of which is
26 the function of public order.

27 **MR. ERIC BROUSSEAU:** Okay. And I understand
28 public order maintenance is in fact part of the core police

1 services for any municipal police service? Is that right?

2 **COMM. THOMAS CARRIQUE:** That's correct. It's one
3 of five core policing responsibilities that every police service
4 in the Province of Ontario has an obligation to fill to an
5 adequate and effective standard.

6 **MR. ERIC BROUSSEAU:** Okay. And if a local police
7 service doesn't have a Public Order Unit, do they enter into
8 agreements with the OPP for the OPP to provide that service?

9 **COMM. THOMAS CARRIQUE:** They are required to
10 enter into an agreement, but not specifically with the OPP.
11 That agreement could be entered into with another municipal
12 police service. There are 10 Public Order Units across the
13 province. OPP is one of those 10. So there were nine other
14 police services that a municipality could enter into an
15 agreement with.

16 **MR. ERIC BROUSSEAU:** Okay. And one of those is
17 Ottawa Police Service; I take it?

18 **COMM. THOMAS CARRIQUE:** One of those would be
19 Ottawa Police Service, yes.

20 **MR. ERIC BROUSSEAU:** What about Windsor Police
21 Service?

22 **COMM. THOMAS CARRIQUE:** Windsor does not have a
23 Public Order Unit.

24 **MR. ERIC BROUSSEAU:** Okay. And so do they have
25 an agreement with the OPP?

26 **COMM. THOMAS CARRIQUE:** We do not have a standing
27 agreement with Windsor. Utilization of Public Order in Windsor
28 would be assessed on a request-by-request basis.

1 **MR. ERIC BROUSSEAU:** Okay. I understand the OPP
2 has sort of divided the province up into five different regions?
3 Is that correct?

4 **COMM. THOMAS CARRIQUE:** That is correct.

5 **MR. ERIC BROUSSEAU:** And how does that work in
6 terms of the administration of the different regions?

7 **COMM. THOMAS CARRIQUE:** So each region is led by
8 a Chief Superintendent. They are then assisted by
9 Superintendents that form part of their command team, and they
10 oversee the operations of a variety of detachments who have
11 Detachment Commanders.

12 So to put it into a municipal context, the
13 Detachment Commanders share a lot of the same responsibilities
14 as would a municipal police chief, as it relates to
15 communicating to a local Police Service Board, establishing
16 community and strategic priorities, and providing day-to-day
17 policing services. The regional Chief Superintendent oversees
18 those operations across a variety of municipalities, and they
19 all report up through to the Deputy Commissioner of Field
20 Operations, Chris Harkins.

21 **MR. ERIC BROUSSEAU:** Okay. And when a
22 detachment's resources are overwhelmed or they need assistance,
23 how is that escalated up the chain within the OPP?

24 **COMM. THOMAS CARRIQUE:** So first and foremost, if
25 there's a neighbouring detachment, that can be something that is
26 mitigated detachment commander to detachment commander. If it's
27 not able to be resolved at that point, it would then be
28 escalated through the regional Command Team, and it could

1 eventually end up into the hands of the Deputy Commissioner of
2 Field Operations. However, if it was an emerging and emergent
3 circumstance, those types of needs for resources would be
4 coordinated either by our provincial Communication Centres or
5 our provincial Operation Centres. And if it was a long,
6 protracted event or a planned activity, we would establish what
7 we'd call an Emergency Operations Centre, and our Emergency
8 Management Unit would be involved in that very complex process.

9 **MR. ERIC BROUSSEAU:** Okay. And is it the same
10 process if there's an external request by a municipal police
11 service for OPP assistance?

12 **COMM. THOMAS CARRIQUE:** An external request would
13 normally come into my office, and then it would be assigned to
14 the appropriate provincial command. If it was for an
15 investigative type of request, it would go to Investigations and
16 Organized Crime. If it was for additional uniform officers, it
17 would go to Field Operations, public order would go to Field
18 Support Bureau through what we call TSOS, Traffic Safety and
19 Operational Support. That does not alleviate local
20 municipalities reaching out directly to a detachment or to a
21 regional commander, but formal requests for assistance should
22 come in through my office. At this particular juncture in 2022,
23 we had already received approximately 30 formal requests for
24 assistance from other police services, and typically, I would
25 receive between 220 and 230 formal requests from Municipal
26 Services for assistance of the OPP.

27 **MR. ERIC BROUSSEAU:** In a year?

28 **COMM. THOMAS CARRIQUE:** In a year. On an annual

1 basis, correct.

2 **MR. ERIC BROUSSEAU:** I understand from the OPP's
3 website that it is a division of the Ministry of the Solicitor
4 General. So can you explain the relationship between the OPP
5 and Solicitor General's office?

6 **COMM. THOMAS CARRIQUE:** Yes, absolutely. As
7 you've articulated, we're a division of the Ministry of the
8 Solicitor General. The Ministry of the Solicitor General will
9 set strategic priorities for the OPP, provide overall
10 administrative direction. The day-to-day administrative and
11 operations of the OPP is my sole and exclusive responsibility.

12 **MR. ERIC BROUSSEAU:** Okay. So maybe you can just
13 help us understand what kind of direction would come from the
14 Solicitor General's office.

15 **COMM. THOMAS CARRIQUE:** So that would come in the
16 form of we have a three-year strategic plan. So that is
17 essentially the Solicitor General's plan that the OPP
18 operationalizes. It's at an extremely high level that sets the
19 priorities for the organization. There could be provincial
20 initiatives whereby the Ministry wants to support the OPP in
21 achieving certain operational objectives and would provide us
22 with the necessary funding and support to do so.

23 **MR. ERIC BROUSSEAU:** And how does the reporting
24 up to the Solicitor General's office work?

25 **COMM. THOMAS CARRIQUE:** So there's an annual
26 report that is submitted to the Solicitor General's office, and
27 then as it relates to day-to-day reporting, there will be many
28 occasions where there will be no contact between myself and the

1 Deputy Solicitor General for days or even for weeks. If there
2 are certain situations for which he requires a level of
3 situational awareness, then it's my responsibility to ensure
4 that he receives that information.

5 **MR. ERIC BROUSSEAU:** Okay. And so at the time
6 that that was Deputy Solicitor General Di Tommaso?

7 **COMM. THOMAS CARRIQUE:** That is correct.

8 **MR. ERIC BROUSSEAU:** Did you on a general or
9 frequent basis report to anybody else within the Solicitor
10 General's office?

11 **COMM. THOMAS CARRIQUE:** No, I did not.

12 **MR. ERIC BROUSSEAU:** Did you -- so you didn't
13 report directly to then Solicitor General Sylvia Jones?

14 **COMM. THOMAS CARRIQUE:** No, I did not.

15 **MR. ERIC BROUSSEAU:** I want to ask you now about
16 a term that we've heard, which is police of jurisdiction. Can
17 you help us understand what that means and where it's kind of
18 grounded?

19 **COMM. THOMAS CARRIQUE:** Certainly. Police
20 service of jurisdiction relates to the police service that has a
21 legislative responsibility under the *Police Services Act* to
22 provide adequate and effective services. That police service of
23 jurisdiction will report to a local Police Service Board who is
24 responsible in concert with the Chief of Police in ensuring that
25 those adequate and effective services are provided. And you've
26 already highlighted the five core areas of responsibility that
27 formulate adequate and effective services.

28 **MR. ERIC BROUSSEAU:** And when we talk about a

1 police service of jurisdiction, does that police service have
2 exclusive jurisdiction in their sort of physical bounds?

3 **COMM. THOMAS CARRIQUE:** They have exclusive
4 jurisdiction within their physical bounds, but just for clarity,
5 that does not mean that another police officer doesn't have full
6 authorities to operate within that jurisdiction. That doesn't
7 mean that another police service may not enter into an
8 investigation that takes them into that jurisdiction to conduct
9 interviews or do follow-up, but if there is an incident within
10 that jurisdiction, that starts in that jurisdiction, that is
11 taking place in that jurisdiction, that is the exclusive and
12 sole responsibility of that police service of jurisdiction.

13 **MR. ERIC BROUSSEAU:** Okay. And you've just sort
14 of drawn the distinction between jurisdiction and authorities.
15 Maybe you can ---

16 **COMM. THOMAS CARRIQUE:** Correct.

17 **MR. ERIC BROUSSEAU:** --- help us understand the
18 difference.

19 **COMM. THOMAS CARRIQUE:** Jurisdiction relates to
20 the legislative responsibilities under the *Police Services Act*;
21 whereas, authorities relate to the authorities that a police
22 officer has to execute their duties.

23 **MR. ERIC BROUSSEAU:** Now I want to ask you about
24 the circumstances in which the OPP might be called on to step
25 in, and this is addressed at Section 9 of the *Police Services*
26 *Act*, which is on the screen, page 11. So the first, subsection
27 9.1, is at the request of the Commission, which I understand is
28 the Ontario Civilian Police Commission; is that correct?

1 **COMM. THOMAS CARRIQUE:** That is correct.

2 **MR. ERIC BROUSSEAU:** Okay. And so what would
3 that look like? Why would that come about?

4 **COMM. THOMAS CARRIQUE:** In my experience, that's
5 usually a situation where there's been ongoing and long-term
6 concerns over the administration of a police service and/or
7 their ability to provide adequate and effective policing.

8 **MR. ERIC BROUSSEAU:** Okay. And so the Commission
9 can direct the OPP, essentially, to step in?

10 **COMM. THOMAS CARRIQUE:** Correct, yes.

11 **MR. ERIC BROUSSEAU:** And then if we go down to
12 subsection 4, a local Crown attorney can request the assistance
13 of the OPP; is that correct?

14 **COMM. THOMAS CARRIQUE:** That's correct. And that
15 would normally be for an individual situation, and most commonly
16 for a criminal investigation that is warranted.

17 **MR. ERIC BROUSSEAU:** Okay. Subsection 5, it
18 could be requested by a resolution of the local Police Services
19 Board as well.

20 **COMM. THOMAS CARRIQUE:** Yes, it can.

21 **MR. ERIC BROUSSEAU:** What circumstances would
22 that occur?

23 **COMM. THOMAS CARRIQUE:** That would be a specific
24 event perhaps, or where the Board has concerns over its ability
25 to provide adequate and effective service.

26 **MR. ERIC BROUSSEAU:** The Board's ability or that
27 local police service?

28 **COMM. THOMAS CARRIQUE:** It's a shared

1 responsibility. In legislation, the Board has a responsibility
2 to ensure adequate and effective policing, as does the Chief of
3 Police.

4 **MR. ERIC BROUSSEAU:** Okay. And if we go down to
5 subsection 6, a local Police Chief can ask for that assistance
6 in the case of an emergency; is that correct?

7 **COMM. THOMAS CARRIQUE:** That is correct.

8 **MR. ERIC BROUSSEAU:** Okay. And if we go down to
9 subsection 8, it says,

10 "When a request is made under this
11 section, the Commissioner shall have
12 the [OPP] give such temporary or
13 emergency assistance as he or she
14 considers necessary and shall have the
15 Ontario Provincial Police stop giving
16 temporary or emergency assistance when
17 he or she considers it appropriate to
18 do so."

19 And so am I right in understanding that it is
20 mandatory, if there is a request for assistance, the language of
21 Section 8, it requires the OPP to provide whatever assistance is
22 necessary?

23 **COMM. THOMAS CARRIQUE:** Whatever assistance that
24 I deem necessary, correct.

25 **MR. ERIC BROUSSEAU:** Right. And other than the
26 sort of mechanisms in Section 9 here, are there any other ways
27 in which the OPP's assistance can be formally or informally
28 requested?

1 **COMM. THOMAS CARRIQUE:** Other than, as I
2 mentioned earlier, there may be a reach out to a local
3 detachment, but in terms of as it's prescribed in law and the
4 formal process, these are the only ways for which we can be
5 called upon to provide that level of assistance.

6 **MR. ERIC BROUSSEAU:** Okay. And so just to be
7 clear, there's no provision which would enable the Solicitor
8 General's office to effectively direct that it occur?

9 **COMM. THOMAS CARRIQUE:** Not direct that it occur.
10 If the Solicitor General's office had a concern over adequate
11 and effective policing, the appropriate routes and legislation
12 would be to refer that concern to OCPC.

13 **MR. ERIC BROUSSEAU:** I want to ask you now about
14 the origins of the Freedom Convoy and when it first came across
15 the OPPs radar; what can you tell us about that?

16 **COMM. THOMAS CARRIQUE:** As documented in my
17 witness summary, we became aware of that, from the Provincial
18 Liaison Team's perspective, on or about the 12th of January. I
19 believe an analyst actually became aware of it on the 10th of
20 January. That information was then transferred to a member of
21 the Provincial Liaison Team. And by the 12th of January the
22 Provincial Liaison Team was starting to engage in relation to
23 the Freedom Convoy.

24 **MR. ERIC BROUSSEAU:** Okay. Other than the
25 Provincial Liaison Team, or PLT, what other preparations were
26 under way within the OPP?

27 **COMM. THOMAS CARRIQUE:** As of the 13th of January,
28 the Provincial Operational Intelligence Bureau was also engaged

1 in the collection and dissemination of intelligence. And as
2 information continued to come in, then various aspects of the
3 organization became involved right up to us appointing a Major
4 Critical Incident Commander, and local Incident Commanders for
5 every region for which the Freedom Convoy would travel through.

6 **MR. ERIC BROUSSEAU:** Okay. And do I understand
7 it correctly that the OPP was the police of jurisdiction, all
8 the way, essentially, from the Manitoba border until the convoys
9 reached Ottawa?

10 **COMM. THOMAS CARRIQUE:** Yes and no. As long as
11 the Freedom Convoy remained on King's highways, or was
12 travelling through municipalities for which we were the police
13 service of jurisdiction, yes, but they're were a number of
14 events and activities that happened off of the King's highways,
15 that would have fallen into the jurisdiction of other police
16 services, for which we worked in cooperation with those services
17 as the convoy travelled on its way to Ottawa.

18 **MR. ERIC BROUSSEAU:** Okay. And what did that
19 cooperation with the local services look like?

20 **COMM. THOMAS CARRIQUE:** The cooperation was
21 integration in terms of responding to the convoy as it travelled
22 through that jurisdiction, or there were moments in time where
23 other people would congregate to show their support for the
24 convoy; there may be a stop at a parking lot. We'll use Vaughan
25 Mills Mall as an example, where there were a number of
26 protesters and vehicles that gathered in the Vaughan Mills Mall,
27 and that would be a coordinated response between the OPP, who
28 was looking after the traffic aspect of it, and then once that

25 "Police of jurisdiction resources could
26 be stretched if rallies are organized
27 at the local level to coincide with the
28 arrival of the convoys in a given

1 community."

2 Is that -- did the OPP take any action in
3 response to the concern that local police of jurisdiction might
4 be overwhelmed or stretched, to use the term?

5 **COMM. THOMAS CARRIQUE:** Yes, it's my
6 understanding, and you've heard from Supt. Craig Abrams that
7 Supt. Abrams was engaged with Ottawa Police Service, offering
8 and providing some support from the Ontario Provincial Police.
9 And I'd also made enquiries with Deputy Commissioner Chris
10 Harkins in relation to our knowledge in relation to Ottawa's
11 level of preparedness.

12 **MR. ERIC BROUSSEAU:** Okay. And I'll ask you
13 about that in a second. But what -- going into the first
14 weekend, which is the 29th and 30th; what was your personal
15 understanding of what this protest was going to look like in
16 Ottawa?

17 **COMM. THOMAS CARRIQUE:** This was going to include
18 a high degree of active participation; a large number of
19 commercial motor vehicles and personal vehicles, as well as a
20 commitment for longer-term activity. There was no exit plan
21 from the protestors, and there were also demands that we knew
22 could not be realized in the short term, if at all.

23 **MR. ERIC BROUSSEAU:** Okay. And is it your
24 understanding that the Ottawa Police Service had that same
25 understanding of what was going transpire over the weekend, and
26 potentially longer?

27 **COMM. THOMAS CARRIQUE:** Yes, it was. I was well
28 aware that Ottawa Police were also in receipt of the Hendon

1 reports and had been for at least a year leading up to. And in
2 fact, on January 21st, I made an enquiry with Supt. Morris to
3 ensure that all Police Chiefs in the province were receiving the
4 Hendon report.

5 **MR. ERIC BROUSSEAU:** Okay. What prompted that
6 enquiry?

7 **COMM. THOMAS CARRIQUE:** The content of the Hendon
8 reports; wanting to ensure that there were no gaps within
9 organizations, and that the Chiefs of Police had access to what
10 I felt was necessary and important information.

11 **MR. ERIC BROUSSEAU:** Okay. What -- you know, to
12 your knowledge what steps did the OPP take in that -- again, in
13 that week up leading up to the first weekend to provide
14 assistance to the OPS?

15 **MR. ERIC BROUSSEAU:** We provided resources; we
16 had provided frontline personnel to assist with traffic
17 management; we had provided Critical Incident Commanders; we had
18 provided a Public Order team that was shared between
19 Parliamentary Protective Services and the Ottawa Police, and we
20 had offered additional resources if required.

21 **MR. ERIC BROUSSEAU:** Were there any resources
22 sought in that first week that you weren't able to provide?

23 **COMM. THOMAS CARRIQUE:** To my knowledge, no.

24 **MR. ERIC BROUSSEAU:** Okay. And we heard from
25 Supt. Abrams last week; what was his role in Ottawa?

26 **COMM. THOMAS CARRIQUE:** He was fulfilling the
27 role of Strategic Superintendent, or Strategic Commander, and
28 his primary responsibility was to maintain relationships with

1 Ottawa Police Service; facilitate any requests for assistance;
2 and coordinate our deployment in terms of logistics; and be the
3 link of communication between the OPP and the Ottawa Police
4 Service.

5 **MR. ERIC BROUSSEAU:** Okay. Now, he testified
6 about participating in a January 27th Intersect call; do you know
7 what Intersect is?

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MR. ERIC BROUSSEAU:** Okay. And learning on
10 January 27th, which is the Thursday before the first weekend,
11 that the OPS planned to allow 3,000 trucks into downtown Ottawa,
12 did you -- was this information relayed to you before that first
13 weekend?

14 **COMM. THOMAS CARRIQUE:** No, it was not.

15 **MR. ERIC BROUSSEAU:** Okay. What was your
16 understanding of what was going to happen with the trucks that
17 first weekend?

18 **COMM. THOMAS CARRIQUE:** My understanding was that
19 Ottawa Police Service had designated parking areas for the
20 commercial motor vehicles. And that those commercial motor
21 vehicles would be contained in these parking areas. And that
22 they were readying shuttle buses to transport participants to
23 allow them to engage in lawful protest. And that they would not
24 be permitting any large commercial motor vehicles into the
25 Parliamentary precinct.

26 **MR. ERIC BROUSSEAU:** And where did that
27 understanding come from?

28 **COMM. THOMAS CARRIQUE:** From Deputy Commissioner

1 Chris Harkins.

2 **MR. ERIC BROUSSEAU:** Okay. And if you had known,
3 if you had been told on January 27th that 3,000 trucks were going
4 to park in downtown Ottawa, what, if anything would you have
5 done differently?

6 **COMM. THOMAS CARRIQUE:** I certainly would have
7 asked some additional questions to ensure that they had the
8 adequate resources that they required. I would have asked some
9 additional questions around the integrity of the block of
10 Parliament and Wellington. Keeping in mind that it is not my
11 role or responsibility to sit in judgment of an operational
12 plan, but it would have warranted further enquiry to determine
13 whether Ottawa required any additional assistance, then we
14 certainly would have had those conversations.

15 **MR. ERIC BROUSSEAU:** Okay. And again, I
16 appreciate we're in sort of in a hypothetical, but what
17 additional assistance could the OPP have provided, based on if
18 you had learned of that plan?

19 **COMM. THOMAS CARRIQUE:** We could have amassed
20 additional resources if were required; we could have contributed
21 to contingency plans; and we could have just offered some advice
22 and guidance, if it was appropriate. Being mindful that Ottawa
23 Police Service has always been very highly regarded and
24 respected for its ability to manage protests, lawful and
25 otherwise. And in fact, as a Sergeant, I was deployed to Ottawa
26 as a Member of a Public Order Unit and it experienced first-hand
27 Ottawa's ability to not only plan for events, but to manage
28 those events.

1 **MR. ERIC BROUSSEAU:** In speaking about this
2 particular time period, Superintendent Abrams basically
3 described what I think he called a sort of stay in your lane
4 mentality. Is that what you're describing essentially?

5 **COMM. THOMAS CARRIQUE:** Well, I wouldn't say a
6 stay in your lane mentality. I think as a good policing
7 partner, if we identified something that was of concern to us,
8 that we have a responsibility to engage in conversation.
9 Ultimately, the decision as to how the operational plan should
10 be executed is that of the Ottawa Police, and I'm not sitting in
11 judgment of those decisions, but we would have initiated some
12 further conversation just to offer any additional inputs that we
13 thought may be helpful or additional resources. And that did
14 happen on a number of occasions throughout the Freedom Convoy
15 where we did reach out to individual police services to make
16 inquiries, not to provide a direction, not to sit in judgment of
17 operational plans, but to ensure the collective success of
18 policing across this province.

19 **MR. ERIC BROUSSEAU:** And I understand, again,
20 prior to this first weekend, you didn't see and didn't request a
21 copy of the operational plan?

22 **COMM. THOMAS CARRIQUE:** No, I did not.

23 **MR. ERIC BROUSSEAU:** And if you had known that
24 the plan was to allow 3,000 trucks in, would you have asked for
25 a copy of the plan?

26 **COMM. THOMAS CARRIQUE:** I would have asked
27 additional questions. I wouldn't necessarily have asked for a
28 copy of the plan. That is not my purview to be requesting

1 operational plans from other police services. Most times, I
2 would not even see an operational plan within the Ontario
3 Provincial Police. There are various levels of subject matter
4 expertise that have the autonomy, the knowledge, skills and
5 ability to approve those plans.

6 **MR. ERIC BROUSSEAU:** Okay. And I'm sort of
7 expanding out from you personally and just asking, in what
8 circumstances would the OPP ask for the operational plan of
9 another police service?

10 **COMM. THOMAS CARRIQUE:** If we were being asked to
11 perform an active role as an active participant in a unified or
12 integrated command, that is a situation where the appropriate
13 critical or major incident commander or strategic commander
14 would want to see a copy of an operational plan, but that is not
15 something that I would request or be provided.

16 **MR. ERIC BROUSSEAU:** Okay. Mr. Clerk, if we
17 could pull up OPP00004582? I'm taking you to your text message
18 exchange with Deputy Commissioner Harkins. And if we could go
19 to page 10? These are texts exchanged on January 27th, although
20 I believe the timing might actually be sort of Greenwich Mean
21 Time, and so it might be off by a few hours on these text
22 messages. But if we go there, not sure -- and so I think in
23 blue is Deputy Commissioner Harkins. I think green is for your
24 texts; is that accurate?

25 **COMM. THOMAS CARRIQUE:** That is correct. The
26 blue is Deputy Commissioner Chris Harkins, and the green is
27 myself, yes.

28 **MR. ERIC BROUSSEAU:** Okay. So Deputy

1 Commissioner Harkins says,

2 "Not sure you got my message.

3 Reference a briefing tomorrow from
4 mcic. Having RC's all taking part with
5 us as well as Mike from Corp comm's.
6 Karl has concerns around traffic in
7 ottawa core.

8 417 and 416 may become an issue"

9 And your response,

10 "I did and I'm looking forward to it.

11 Also very interested in what POIB has
12 to say about any risks to Parliament."

13 **COMM. THOMAS CARRIQUE:** Yes.

14 **MR. ERIC BROUSSEAU:** So what were Deputy
15 Commissioner Harkins' concerns about traffic and what were your
16 concerns about Parliament?

17 **COMM. THOMAS CARRIQUE:** So you would have to
18 speak to Deputy Commissioner Chris Harkins specifically for his
19 concerns, but from my perspective and my independent
20 recollection of our conversations is the concern was around the
21 congestion that would be experienced in the City of Ottawa by
22 prohibiting the truck traffic to enter into the downtown core,
23 the potential shutting down of access from the 417, and the
24 backing up of traffic that would be related to trying to coral
25 all of the commercial motor vehicles into designated parking
26 areas. And you can see from my inquiry there, this is in and
27 around what activity is anticipated to take place, in and around
28 Parliament, and it was subsequent to that that I was advised

1 that there would be no commercial motor vehicle traffic
2 permitted into that area.

3 **MR. ERIC BROUSSEAU:** Okay. And I believe
4 Superintendent Abrams, at least in his witness summary and he
5 may have said last week that he reported the 3,000 trucks
6 downtown to Deputy Commissioner Harkins, but you're telling us
7 you never got that information from Deputy Commissioner Harkins?

8 **COMM. THOMAS CARRIQUE:** Not prior to the arrival
9 of the convoy, no. It became evident on the 28th and 29th of
10 January that there was an inability to contain all the
11 commercial motor vehicles into designated parking areas and that
12 they had permeated onto Wellington Street and into the area of
13 the Parliament buildings. But prior to that, there was no
14 communication relayed to me about that, no.

15 **MR. ERIC BROUSSEAU:** Okay. And I understand you
16 spoke with Chief Sloly on Friday, the 28th of January. Had you
17 spoken with him prior that week?

18 **COMM. THOMAS CARRIQUE:** I had not spoken to him
19 prior that week in relation to the Freedom Convoy, no.

20 **MR. ERIC BROUSSEAU:** Okay. And can you tell us
21 about your discussion with him on that Friday?

22 **COMM. THOMAS CARRIQUE:** Yes, and I believe it was
23 the Friday. I would have to look at the records, but prior to
24 that, the Freedom Convoy arriving in Ottawa, I received a call
25 from Chief Sloly asking for assistance with public order, for
26 which I said we would facilitate, passed that request along to
27 Deputy Commissioner Rose DiMarco, who also advised me that we
28 were lending support to Parliamentary Protective Services from a

1 public order standpoint, and I asked that the communication take
2 place between PPS and OPS to ensure that they had the adequate
3 Public Order Units that they required. I then followed up with
4 Chief Sloly via a text message to ask him if he had all the
5 necessary resources, for which he responded he did, to please
6 keep the intel coming.

7 **MR. ERIC BROUSSEAU:** Okay. And I understand one
8 of the issues, which we'll get into and talk about, sort of the
9 need to have a plan, or to understand how your officers are
10 going to be deployed before deploying them. But I take it you
11 didn't have a plan for how these Public Order Units were going
12 to be deployed by the PPS or by OPS on that first weekend?

13 **COMM. THOMAS CARRIQUE:** I didn't have a plan, no.
14 And as previously indicated, I would not normally be provided
15 with an operational plan if we are asked for assistance.

16 **MR. ERIC BROUSSEAU:** Right, okay. But you're not
17 aware of whether anyone from the OPP received a plan in response
18 to which the request to sort of loan Public Order Units to OPS
19 and PPS was fulfilled?

20 **COMM. THOMAS CARRIQUE:** So I'm not sure I
21 completely understand your question. Are you asking me if the
22 request came in concert with a defined plan as to how Public
23 Order would be utilized?

24 **MR. ERIC BROUSSEAU:** I'm asking if you know
25 whether anyone from on the OPP side saw a plan for how those
26 Public Order Units would be used that first weekend, and said,
27 okay, we can, you know, give PPS Public Order Units, give OPS
28 Public Order Units.

1 **COMM. THOMAS CARRIQUE:** The deployment of Public
2 Order Units also comes with a Public Order Commander and
3 Critical Incident Commander. So those discussions in relation
4 to plans and how those assets would be utilized would have taken
5 place between those respective commanders, and that's not
6 something that I would be involved in.

7 **MR. ERIC BROUSSEAU:** Okay. And if we could pull
8 up OPP00001583? This is an email from Chief Sloly on January
9 30th, which is going to come up on the screen. Could go down --
10 thanking a number of I think they're Chiefs of Police for
11 assistance provided during that first weekend. And you respond
12 -- if we go back up to the top, "Thanks for the update and your
13 leadership, Peter." Did it appear to you by the end of this
14 first weekend that everything was under control in Ottawa?

15 **COMM. THOMAS CARRIQUE:** I don't know that I would
16 have an opinion in terms of whether everything was under
17 control. I was certainly aware that there was an ongoing
18 protest, there were a number of Public Order Units on the ground
19 assisting Ottawa, and Ottawa was doing their best to facilitate
20 a peaceful protest and to deal with any unlawful activity.

21 **MR. ERIC BROUSSEAU:** Okay. And what was reported
22 up to you during that first weekend about what was happening?

23 **COMM. THOMAS CARRIQUE:** So as previously
24 indicated, the first form of reporting was that the trucks were
25 not being contained, there was no ability to contain them in
26 preidentified parking locations. And then throughout the
27 weekend, I received situational reports in terms of the number
28 of resources that we had assigned to Ottawa, and high-level

1 overviews of the number of protesters.

2 **MR. ERIC BROUSSEAU:** Okay. If we could go to
3 OPP00004582?

4 This is -- I'm taking you back to your exchange
5 with Deputy Commissioner Harkins, and it's at page 17. Deputy
6 Commissioner Harkins writes to you:

7 "Just FYI. Our incident commander that is
8 in the ottawa [sic] command center said
9 its [sic] the most unorganized they have
10 ever seen. Comments like they got in here
11 let them try to get out... inappropriate F
12 bombs etc [sic]... being addressed."

13 "Apparently willing to wait till Wednesday
14 before action to remove if they haven't
15 already."

16 And then your response is:

17 "Thanks - you available for a call in the
18 [morning]?"

19 Did you have that discussion with Deputy Harkins?
20 Deputy Commissioner Harkins?

21 **COMM. THOMAS CARRIQUE:** I did. So the 31st, I
22 believe, is the Monday.

23 **MR. ERIC BROUSSEAU:** That's correct.

24 **COMM. THOMAS CARRIQUE:** Right. So we're past the
25 weekend now. You had previously asked me about my level of
26 knowledge as it related to activity over the weekend. So this
27 is the first indication that there is this type of activity
28 being reported. And I had also had the opportunity to engage in

1 a meeting with Chief Sloly and Commissioner Lucki also on the
2 31st of January.

3 **MR. ERIC BROUSSEAU:** Okay. And I want to ask you
4 about that meeting. Can you tell us your recollection of that
5 meeting?

6 **COMM. THOMAS CARRIQUE:** Yes, from what
7 perspective?

8 **MR. ERIC BROUSSEAU:** The meeting with Chief Sloly
9 and Commissioner Lucki, ---

10 **COMM. THOMAS CARRIQUE:** Yes.

11 **MR. ERIC BROUSSEAU:** --- what was discussed?

12 **COMM. THOMAS CARRIQUE:** Yeah, so Chief Sloly
13 provided us with an overview of the situation. And we talked
14 about providing any resources that he may require and how this
15 could be managed moving forward.

16 **MR. ERIC BROUSSEAU:** And we've got notes taken by
17 OPS legal council, Christiane Huneault.

18 **COMM. THOMAS CARRIQUE:** Yes.

19 **MR. ERIC BROUSSEAU:** So if we could get those up
20 on the screen? It's OPS00014454, and it's pages 1 to 3 of those
21 notes. This is a recording by Christiane Huneault of the
22 meeting. And so I think you see the second point there:

23 "we planned for a spring Frid[ay] -
24 Sund[ay] and negotiate our way out of it"
25 "wanted to demobilize Mond[ay] -
26 Wed[nesday]"

27 I think it says.

28 "gone from 3 day demo to multi-day/month

1 occupation"

2 And if we go down a little bit further:

3 "can't safely remove them unless we have
4 hundreds of officers to maintain..."

5 I think that says "risks." It's not clear.

6 The bottom. They're:

7 "Now transitioned in an occupation"

8 So first of all, did you agree with Chief Sloly's
9 assessment that it was an occupation at that point?

10 **COMM. THOMAS CARRIQUE:** I had no reason not to
11 agree with Chief Sloly. It certainly had turned into a
12 situation that I felt Ottawa Police had not anticipated, and I
13 do not think describing it as an occupation would be inaccurate
14 at all.

15 **MR. ERIC BROUSSEAU:** Okay. You said it turned
16 into something the Ottawa Police had not anticipated. Is the
17 continued occupation something that the OPP anticipated?

18 **COMM. THOMAS CARRIQUE:** Well I think the best way
19 to answer that is to refer to the Hendon Reports, and the Hendon
20 Reports clearly indicated that there was no exit strategy and
21 there were discussions around a long-term presence in Ottawa.
22 They could not, certainly, identify how long that would be.
23 There was reference to multiple weeks, but also demands that
24 would not be realized and committed protestors that would not be
25 leaving unless those demands were realized.

26 **MR. ERIC BROUSSEAU:** Okay. And Chief Sloly said,
27 you know, "We can't safely remove protestors without hundreds
28 more officers," essentially.

1 Was that -- did you understand that to be a
2 request to you and to Commissioner Lucki for more resources?

3 **COMM. THOMAS CARRIQUE:** There was an indication
4 that a request for additional resources would follow. And it
5 did follow. I believe it's on or about the 2nd of February where
6 I received a formal written request from Chief Sloly for
7 additional resources. However, we continued to provide
8 resources in real time through having a presence in Ottawa
9 through our Strategic Commander, Supt. Craig Abrams, as well as
10 our Emergency Operations Center.

11 So if you look at the deployment records of the
12 Ontario Provincial Police, you'll see that we're providing
13 resources throughout this entire period and the amount of those
14 resources build as time goes on.

15 **MR. ERIC BROUSSEAU:** Okay. And if we go down to
16 page 2, I think sort of your interjection here is recorded:

17 "Assessment is spot on. This is now an
18 occupation."

19 "There is sustainability to this
20 movement."

21 There's a reference there. No:

22 "...injunction puts us in a different space
23 - then have to act on it. prepare one but
24 timing of getting one is
25 crucial/dangerous."

26 Why did you -- why were you not supportive of an
27 injunction at this point?

28 **COMM. THOMAS CARRIQUE:** So these are not my

1 notes. This is the first time I've seen these notes. I would
2 not say that I was not supportive of an injunction at the time.
3 My advice was if seeking an injunction, we ought to make sure
4 that we do have an operational plan that we can move to
5 enforcement when appropriate and necessary. You do not want to
6 be in possession of an injunction order, which implies you have
7 a responsibility, and not have the capability and a plan to
8 affect that injunction order.

9 **MR. ERIC BROUSSEAU:** Okay. And if we could go
10 down to page 3? I think there's, again, another -- comments
11 which are attributed to you. And you'll let us know if they're
12 accurate. But the first point:

13 "we will facilitate all of [the requests
14 or your] requests and get embedded in the
15 command structure."

16 Can you tell us about that in terms of being
17 embedded in the command structure?

18 **COMM. THOMAS CARRIQUE:** Yes. So offering our
19 assistance to embed into the command structure in any way that
20 we can be of assistance, knowing that we have very experienced
21 critical and major critical incident commanders, public order
22 commanders, planners, PLT commanders, any way that we could
23 assist the OPS with advancing an operational plan, that was
24 that.

25 **MR. ERIC BROUSSEAU:** Okay. And would it be fair
26 to say that as of the date of this meeting, which is the 31st,
27 the Monday, that the OPS was overwhelmed in terms of their
28 capacity to respond?

1 **COMM. THOMAS CARRIQUE:** Yes.

2 **MR. ERIC BROUSSEAU:** And sort of how quickly was
3 the OPP able to actually mobilize resources to the OPS in
4 response to this conversation in particular?

5 **COMM. THOMAS CARRIQUE:** Immediately. We provided
6 all resources, to my knowledge, that were requested when they
7 were requested. So at no point in time am I aware of us not
8 being able to fulfil any requests.

9 **MR. ERIC BROUSSEAU:** Okay. A few days later, on
10 February 2nd, you mentioned this already, Supt. Abrams was
11 actually kind of formally appointed as the strategic
12 superintendent? Is that right? What did that -- what change
13 did that bring about to the OPP's role in Ottawa?

14 **COMM. THOMAS CARRIQUE:** Really, that change
15 enabled us to make sure that we were able -- properly able to
16 provision the logistics that were required. As increasing
17 numbers of OPP officers were assigned to Ottawa, it meant we had
18 to have lodging, we had to provide food, we had to provide
19 vehicles, we had to provide radios, we had to ensure appropriate
20 shift schedule, we had to ensure that those officers were
21 backfilled in their home locations.

22 Every officer that we deployed to Ottawa or
23 elsewhere around this province, for example, January -- on the
24 12th of February, there were 20 simultaneous events that were
25 responding to. That means an OPP officer out of a community for
26 which I have policing responsibility for. So that takes a
27 significant amount of coordination and cooperation. So Supt.
28 Abrams was working very closely with our Emergency Operations

1 Centre, Emergency Management Unit to make sure that all of those
2 provisions were in place, and then also he would have had an
3 entire command structure that he would have been managing to
4 facilitate the deployment of OPP officers while in Ottawa.

5 **MR. ERIC BROUSSEAU:** Okay. And I want to pull up
6 an email now which I think you referred to previously. It's
7 OPP00001576. And this is a request from Chief Sloly on February
8 2nd for some additional assistance.

9 Go down to the bottom.

10 Chief Sloly -- so if we -- sorry, if we go back
11 up:

12 "...I am seeking your assistance in
13 providing resources to assist the Ottawa
14 Police with our operational plan."

15 And so are you aware of whether, at this point,
16 February 2nd, anybody, and I appreciate it wasn't necessarily
17 you, but anybody on the ground, Supt. Abrams, had seen a copy of
18 the operational plan?

19 **COMM. THOMAS CARRIQUE:** I'm not aware. You would
20 have to ask them that question directly.

21 **MR. ERIC BROUSSEAU:** All right. And there's a
22 series of requests there. Were those requests fulfilled?

23 **COMM. THOMAS CARRIQUE:** To my knowledge, all of
24 those requests were fulfilled.

25 **MR. ERIC BROUSSEAU:** Okay. Do you know how long
26 it took to get the PLT, the 50 to 60 uniformed officers there?

27 **COMM. THOMAS CARRIQUE:** We had PLT there. I
28 believe we saw an influx of PLT between the 2nd and the 4th of

1 February. Inspector Beaudin, who appeared before the Commission
2 yesterday, would be able to provide you the specifics of that.
3 I know he, himself, at my request, attended Ottawa on or about
4 the 4th of February. So it would be best to speak with those
5 that were responsible for these assets to be able to get the
6 timing of exactly when they were there, but many of these assets
7 were already on ground, in Ottawa, ready and able to assist at
8 this time.

9 **MR. ERIC BROUSSEAU:** Okay. Why did you ask the
10 Inspector to attend Ottawa?

11 **COMM. THOMAS CARRIQUE:** It had been relayed to me
12 that PLT was not necessarily being utilised to its fullest
13 extent, and I felt that Inspector Beaudin could provide
14 Chief Sloly and his Command Team with some experience and
15 guidance as it relates to Marcel's expertise, and wanted to
16 ensure that the Chief had the availability of that subject
17 matter expertise.

18 **MR. ERIC BROUSSEAU:** And through this kind of
19 first weekend and up to about February 2nd, how often had you
20 been briefing the Deputy Solicitor General?

21 **COMM. THOMAS CARRIQUE:** That would vary on the
22 day. At a minimum, at least once a day.

23 **MR. ERIC BROUSSEAU:** Okay. And were those -- I
24 mean, we've got your sort of text message exchanges ---

25 **COMM. THOMAS CARRIQUE:** Yes.

26 **MR. ERIC BROUSSEAU:** --- which are -- which do
27 brief the Deputy Solicitor General. Would you also have daily
28 phone calls?

1 **COMM. THOMAS CARRIQUE:** Not necessarily daily
2 phone calls. If something came up, there was a question about
3 something, or there was something that went beyond what had been
4 reported, we may connect by phone, but there were not scheduled
5 daily phone calls, no.

6 **MR. ERIC BROUSSEAU:** Okay. Now, I understand
7 from Deputy Solicitor General Di Tommaso's witness summary that
8 you and he spoke on February 3rd. Do you recall that
9 conversation?

10 **COMM. THOMAS CARRIQUE:** Not specifically without
11 referring to any materials that you may be able to provide to
12 me.

13 **MR. ERIC BROUSSEAU:** Okay. Well, we don't need
14 to sort of pull it up, but his witness summary relays that you
15 first told him about the possibility of a blockade of the
16 Ambassador Bridge on that day. Does that sound roughly
17 accurate?

18 **COMM. THOMAS CARRIQUE:** That's fair. That's
19 fair. I can't say for certain that it was on that day. I have
20 disclosed all of my situational updates to the Deputy Solicitor
21 General to the Commission, so it may be contained in there.
22 There was also the Hendon reports that were going to the
23 Provincial Operational Security Adviser, but I can't say for
24 certain that it was on that date during that phone that I
25 would've provided that information.

26 **MR. ERIC BROUSSEAU:** Okay. And the first time
27 that you relay that information to the Deputy Solicitor, whether
28 it was on the 3rd or otherwise, were there any concerns raised

1 in response to what impact that might have?

2 **COMM. THOMAS CARRIQUE:** Any concerns raised by me
3 or by him?

4 **MR. ERIC BROUSSEAU:** By the Deputy Solicitor
5 General.

6 **COMM. THOMAS CARRIQUE:** We certainly at some
7 point had a conversation about the potential of a protest in
8 Windsor specific to the Ambassador Bridge, and I had shared with
9 him that we had offered our assistance to Windsor.

10 **MR. ERIC BROUSSEAU:** Okay. And we'll -- I'll
11 sort of deal with Windsor as a sort of separate subject because
12 I want to keep the focus on Ottawa for the moment.

13 If we could go to OPP00004580. This -- and
14 page 47.

15 These are your -- this is your text exchange with
16 the Deputy Solicitor General.

17 And there it is:

18 "[Good morning] Deputy. No events
19 reported overnight."

20 Sorry, the date on this is February 4th:

21 "I spoke with Commissioner Lucki,
22 Chief Sloly, and Chief Ramer last
23 night. All have access to the
24 necessary OPP resources. We will be
25 continuing to assist OPS and TPS with
26 their requirements today and throughout
27 the weekend."

28 And the Deputy says:

1 "[Thanks, Commissioner Carrique.] Much
2 appreciated."

3 Can you tell us about that discussion with
4 Chief Ramer, and Chief Sloly and Commissioner Lucki the previous
5 evening?

6 **COMM. THOMAS CARRIQUE:** Yes. And that was -- as
7 I recall, it was not a discussion with them all collectively. I
8 had spoke to all of them throughout the day. We had numerous
9 events that were transpiring, and in particular, there was a
10 planned event to take place in Toronto on Saturday, February the
11 5th, so we were doing our best to coordinate access to the
12 necessary resources and provide the necessary supports to the
13 competing and concurrent events that were taking place around
14 the province. So I was giving the Deputy some assurance that we
15 were lending that necessary support and we were fulfilling any
16 requirements that had been asked of us.

17 **MR. ERIC BROUSSEAU:** Okay. And what resources
18 were deployed to Ottawa and Toronto that second weekend of the
19 protest?

20 **COMM. THOMAS CARRIQUE:** So there was ample
21 resources. There was frontline resources provided. There was
22 intelligence resources provided. I don't believe at the end of
23 the day we ended up providing any Public Order assets to
24 Toronto, but that evidence would best come from the hubs that we
25 established. We had a -- we had hubs that were ensuring that
26 the Public Order teams were deployed where they needed to be,
27 when they needed to be, which could mean any one of the ten
28 Public Order Units would have been deployed to any one of these

1 locations. So that level of detail would have to be shared with
2 you from the hub.

3 **MR. ERIC BROUSSEAU:** Okay. And based on what you
4 were hearing from Superintendent Abrams, who was the Strategic
5 Superintendent on the ground, what -- you know, did it seem that
6 everything was under control at that point, on the 4th?

7 **COMM. THOMAS CARRIQUE:** So I'm not in direct
8 contact with Superintendent Abrams. My information is coming at
9 this point in time from situational reps that are coming --
10 reports, sorry, that are coming multiple times a day which is
11 providing me with a level of situational awareness in terms of
12 the number of vehicles, the number of protesters, any reports of
13 criminal activity.

14 **MR. ERIC BROUSSEAU:** Okay. I want to -- so
15 Deputy Solicitor General Di Tommaso, again in his summary, told
16 us that he spoke with the Toronto Police Service Chief Ramer on
17 February 3rd, which is the Thursday before this, and who
18 explained to Deputy Solicitor General that TPS needed additional
19 resources, and DSG Di Tommaso told him that Chief Ramer, or
20 sorry, told Commission Counsel that Chief Ramer said "the OPP
21 doesn't have resources for us", essentially. Is that accurate
22 that there weren't actually OPP resources to be directed towards
23 Ottawa ---

24 **COMM. THOMAS CARRIQUE:** So ---

25 **MR. ERIC BROUSSEAU:** --- or actually, Toronto?

26 **COMM. THOMAS CARRIQUE:** --- first, I can't say
27 whether Chief Ramer's conversation with the Deputy was accurate
28 based on what they knew at the time. Deputy Di Tommaso did

1 enquire with me. Being under the understanding that Toronto
2 Police had asked for OPP resources and they were not available,
3 I directly enquired with Toronto Police and we sorted that
4 miscommunication out. There were OPP resources available. We
5 were already integrated into their Command Centre, we had a
6 presence in their Command Centre through Intelligence, our
7 Highway Safety Division, so we were providing resources to
8 Toronto Police.

9 **MR. ERIC BROUSSEAU:** Okay. So it's not accurate,
10 then, that there weren't OPP resources available, that they did
11 get sent that weekend?

12 **COMM. THOMAS CARRIQUE:** There were OPP assets and
13 resources available, and they were sent that weekend, yes.

14 **MR. ERIC BROUSSEAU:** Okay. And this weekend of
15 the 5th to the 6th, was the potential blockade of the Ambassador
16 Bridge factored into resource allocations in any way?

17 **COMM. THOMAS CARRIQUE:** We had made a number of
18 enquiries with Windsor Police offering assistance and resources,
19 and we were advised that that assistance was not required. If
20 it was required, that a request would be made. The Chief of
21 Windsor seemed confident that they were able to handle the
22 anticipated activities with the resources they had available to
23 them.

24 **MR. ERIC BROUSSEAU:** Okay. I want to take you
25 now to OPP00001507, which is a forward of an email that
26 Chief Sloly sent to a number of people on his team the morning
27 of February 5th. I'll just -- if we can scroll down, I'll let
28 you review it, see if you can recall seeing this email.

1 It kind of went up through a number of OPP
2 individuals, but if we go down to the main email from Chief
3 Sloly -- there it is -- it's directed to Deputy Chief Patricia
4 Ferguson, and there are a number of individuals copied on it.

5 **COMM. THOMAS CARRIQUE:** Sorry. What are you
6 drawing my attention to?

7 **MR. ERIC BROUSSEAU:** I just -- do you recall
8 receiving this email as a forward?

9 **COMM. THOMAS CARRIQUE:** Not without having had
10 the opportunity read the entire string. I can only see a small
11 portion of the email, so I would have to ask your indulgence to
12 be able to ---

13 **MR. ERIC BROUSSEAU:** Sure.

14 **COMM. THOMAS CARRIQUE:** --- review the entire
15 thing.

16 **MR. ERIC BROUSSEAU:** If we can just scroll down,
17 we'll let you review it quickly.

18 **COMM. THOMAS CARRIQUE:** It would be most helpful
19 if you went to the top of the string.

20 **MR. ERIC BROUSSEAU:** Okay. Where you received
21 it, you mean?

22 **COMM. THOMAS CARRIQUE:** Yes.

23 **MR. ERIC BROUSSEAU:** Okay, sure.

24 You received it from Deputy Commissioner Rose
25 Demarco.

26 **COMM. THOMAS CARRIQUE:** Please, if you don't mind
27 stopping there, I'd like to -- can you go back up?

28 Okay. Thank you.

1 Stop there, please. This is the part that has my
2 response.

3 (SHORT PAUSE)

4 **COMM. THOMAS CARRIQUE:** Thank you, yes. I do
5 recall this email.

6 **MR. ERIC BROUSSEAU:** You recall seeing this.

7 **COMM. THOMAS CARRIQUE:** Thank you for your
8 indulgence while I familiarized myself with it.

9 **MR. ERIC BROUSSEAU:** That's all right.

10 And so you received this email that morning, and
11 I understand that you actually spoke with Chief Sloly later that
12 day. Is that correct?

13 **COMM. THOMAS CARRIQUE:** Yes. Yes, I believe I
14 did speak to Chief Sloly later that day to relay concerns over
15 moving forward with positive action as it related to Public
16 Order that had been relayed to me.

17 **MR. ERIC BROUSSEAU:** Okay. And what were your
18 concerns?

19 **COMM. THOMAS CARRIQUE:** Concerns were around not
20 having a sufficient plan in place as it was relayed by my team,
21 so whether a plan was in place and had not been clearly
22 communicated and not having fully exhausted the opportunities
23 through PLT.

24 **MR. ERIC BROUSSEAU:** Okay. And what was the
25 response to your concerns as expressed on that call?

26 **COMM. THOMAS CARRIQUE:** If I recall correctly, he
27 thanked me for sharing it with him and he was -- he was going to
28 review those concerns and next steps.

1 **MR. ERIC BROUSSEAU:** Okay. Now, did you raise
2 those concerns with the Deputy Solicitor-General?

3 **COMM. THOMAS CARRIQUE:** No, I would not have
4 raised those concerns with the Deputy Solicitor-General.

5 **MR. ERIC BROUSSEAU:** So by this point, we're
6 February 5th, you hadn't relayed to the Deputy Solicitor-General
7 that -- you know, any concerns about what was transpiring in
8 Ottawa, whether the OPS had control of the situation.

9 **COMM. THOMAS CARRIQUE:** So I had had numerous
10 conversations with the Deputy Solicitor-General and I shared for
11 -- with him concerns as they came forward and how we had
12 mitigated those concerns, so concerns had been shared that we
13 were not in receipt of a clearly-communicated plan and that we
14 were working towards ensuring that we did have a clearly-
15 communicated operational plan.

16 Certainly there were concepts of operation, but
17 we required a plan to move forward and facilitating all requests
18 for assistance. At one point in time I had made him aware that
19 there were numerous changes within the command structure that
20 was challenging the development of a plan and moving forward
21 with a plan.

22 At one point in time I made him aware that I had
23 the -- concerns had been expressed to me over the under-
24 utilization of both RCMP and OPP resources that had not been
25 tasked and were not being utilized and could have been
26 leveraged.

27 And at one particular time I made him aware of a
28 situation where there was some conflict that emerged on a call

1 with the Chiefs of Police that I believe Superintendent Morris
2 has already provided evidence on, so at each interval I made him
3 aware of those situations and also made him aware of what we
4 were doing to address them in a cooperative manner.

5 **MR. ERIC BROUSSEAU:** Okay. And as far as you
6 know or as far as you could tell, was the Deputy Solicitor-
7 General concerned about the sort of leadership and what was
8 happening in Ottawa?

9 **COMM. THOMAS CARRIQUE:** You'd have to ask the
10 Deputy Solicitor-General whether he was concerned or not. My
11 perception was that I had provided him with the information for
12 his situational awareness and what we were doing to provide
13 assistance.

14 And at this point in time, we were doing our best
15 to assist Ottawa Police. That's our role.

16 This is an extremely stressful, dynamic situation
17 for the Ottawa Police, and our role is to provide the necessary
18 assistance. And that's what we were really focused on.

19 **MR. ERIC BROUSSEAU:** I'd like to pull up
20 OPP00004583. If we can go to page 3.

21 This is -- these are your text exchanges with
22 Commissioner Lucki, and we'll go to an exchange on the same day
23 of February 5th.

24 You sent Commissioner Lucki a kind of update on
25 what -- essentially what the OPP has done.

26 And if we can go down, she replies:

27 "Thanks, Tom. Very helpful. Between
28 you and I only, GOCA losing/lost

1 confidence in OPS. We've got to get to
2 safe action/enforcement 'cause if they
3 go to the Emergency Measures Act you or
4 [supposed to be I, I assume] -- you or
5 [I] may be brought into lead, not
6 something I want."

7 Is this the first time -- so first of all, GOCA,
8 I assume -- I take it that's Government of Canada?

9 **COMM. THOMAS CARRIQUE:** That's the way I would
10 have interpreted that, yes.

11 **MR. ERIC BROUSSEAU:** And so Commissioner Lucki is
12 relaying to you that the government has lost confidence in OPS.
13 Did you still have confidence in the OPS at this time?

14 **COMM. THOMAS CARRIQUE:** That's a difficult
15 question to answer as to whether I had confidence in the OPS at
16 the time. I was certainly aware of the challenges that they
17 were experiencing and I did feel with the support that we were
18 providing that there was an opportunity to develop and execute a
19 plan that would bring upon a resolution to this. And
20 ultimately, that's what happened.

21 And I think it's important not to lose sight of
22 the fact that this whole situation was resolved while preserving
23 life, without any serious injury, and with preventing any
24 serious damage to critical infrastructure. A significant impact
25 on quality of life to the residents, the local residents, impact
26 on local economy, but a resolution through providing the
27 necessary assistance was eventually the outcome of this.

28 **MR. ERIC BROUSSEAU:** Okay. And there's a

1 reference to the *Emergency Measure Act*. Was that the first time
2 that that had come up in your discussions with Commissioner
3 Lucki?

4 **COMM. THOMAS CARRIQUE:** Certainly to my
5 recollection, at no time did -- do I recall her or I ever having
6 any conversation the *Emergency Measures Act*. At one point in
7 time, I did ask her if that afforded the Government of Canada to
8 actually provide that type of direction and actually appoint
9 RCMP or OPP to take over policing because I certainly was not
10 familiar with any federal legislation that would allow that to
11 happen.

12 **MR. ERIC BROUSSEAU:** Were you surprised to see it
13 at this point on February 5th, a reference to possibly invoking
14 the Act?

15 **COMM. THOMAS CARRIQUE:** I can't say whether I was
16 surprised to see whether there was reference to invoking the
17 Act. That certainly would not have been the focus of my
18 attention. It was more around the confidence that the -- there
19 was an indication that the government had lost confidence in the
20 OPS. That is something that, you know, obviously would be of
21 great concern not only to me as a policing leader, but should be
22 something that the Police Services Board would have been engaged
23 in.

24 And I was aware through conversation with
25 Commissioner Lucki that there had been some dialogue taking
26 place, the details of which I was not privy to, but there were
27 conversations taking place between the City of Ottawa and
28 members of the federal government.

1 **MR. ERIC BROUSSEAU:** And it's, I guess, sort of a
2 fair reading of Commissioner Lucki's text that she's reluctant
3 to have the RCMP come in and sort of take over.

4 Did you share her concern about having the OPP
5 step in and take over the situation?

6 **COMM. THOMAS CARRIQUE:** Did I share her concern
7 with the OPP?

8 **MR. ERIC BROUSSEAU:** She says, "You or I may be
9 brought in to lead. Not something I want." Commissioner Lucki
10 doesn't want the RCMP to be kind of pointed and put in charge.
11 Was the OPP taking over the lead role in Ottawa something that
12 you would have welcomed at that time, or would you have been as
13 reluctant to take over as Commissioner Lucki appears to have
14 been?

15 **COMM. THOMAS CARRIQUE:** If the request came as
16 defined in the *Police Services Act*, it would not have been
17 something that I would have been reluctant to take over. It
18 would have been a responsibility. And as you've clearly
19 articulated the responsibilities in the *Police Service Act*, it
20 would have been one that would have required an assessment of
21 me, but we would have absolutely been willing to move forward
22 and fulfil our responsibilities, and that would have included
23 working with resources within the Ottawa Police Service to
24 succeed.

25 **MR. ERIC BROUSSEAU:** Okay. I want to ask you
26 about a text exchange with Deputy Solicitor General Di Tommaso
27 the next day. So if we can go back to OPP00004580? It's at
28 page 61. And you forward a link to a CBC article, and then go

1 down and say,

2 "To date, [approximately] 1501 OPP
3 officers deployed to Ottawa in response
4 to the Freedom Convoy."

5 So was that information that the Deputy Solicitor
6 General had requested from you in terms of the number of OPP
7 officers deployed?

8 **COMM. THOMAS CARRIQUE:** Yes, that had been
9 requested from the Deputy Solicitor General's office to my
10 office. It had been -- also been provided in an email, and this
11 I know became a point of contention for the Ottawa Police. And
12 that is in relation to an obligation that I have to take
13 administrative account for the number of officers that are
14 providing services. If I am planning on seeking financial
15 reimbursement, that needs to be approved by the Solicitor
16 General. So there was an interest in the number of resources
17 that we were providing from a financial accountability
18 standpoint, and to ensure that we were assisting. That 1501 is
19 an administrative number. That is derived at looking at
20 approximately, I believe it was 135 to 150 offices a day over a
21 10-day period is where our analysts came up with that number.
22 So at no point in time at that -- on that date would we have had
23 1500 officers in Ottawa at 1 time.

24 **MR. ERIC BROUSSEAU:** Okay. And later that same
25 day, the Solicitor General, Sylvia Jones, made a statement sort
26 of recycling that number, I guess, if I can use that term.

27 **COMM. THOMAS CARRIQUE:** Yeah.

28 **MR. ERIC BROUSSEAU:** And as you've alluded to,

1 that was something that Chief Sloly was unhappy about; is that
2 correct?

3 **COMM. THOMAS CARRIQUE:** That's correct.

4 **MR. ERIC BROUSSEAU:** Okay. And can you tell us
5 about -- did you have a discussion directly with Chief Sloly
6 about that?

7 **COMM. THOMAS CARRIQUE:** He and I did have a
8 conversation about that directly, yes.

9 **MR. ERIC BROUSSEAU:** Okay. Could you tell us
10 about that discussion?

11 **COMM. THOMAS CARRIQUE:** Yes, I certainly
12 explained how the number was derived at and that it was, in my
13 opinion, not having spoken to the Minister's office, it
14 certainly would not have been done without any ill intent, and
15 that it was important for he and I to remain focussed on
16 operations and not engage in any political conversations that
17 could detract us and distract us from the operations.

18 **MR. ERIC BROUSSEAU:** Okay. And did he appear to
19 accept that explanation?

20 **COMM. THOMAS CARRIQUE:** I felt the conversation
21 was positive. I didn't feel that it had any adverse effect on
22 our operational relationship, but it was clear that he was
23 disappointed that that number had been shared publicly, and that
24 caused him concern, and that he anticipated that causing him
25 additional pressure, which was fair.

26 **MR. ERIC BROUSSEAU:** Okay. And if we scroll down
27 on this page, your follow-up text message to the Deputy
28 Solicitor General,

1 "Not for discussion with OPS, but for
2 your and SOC, at one point, we had
3 three times for uniform officers the
4 ground in Ottawa than OPS did. This
5 has since been balanced out/corrected."

6 What -- can you explain that? You're telling
7 Deputy Solicitor General that the OPP had three times more
8 people on the ground than OPS; is that correct?

9 **COMM. THOMAS CARRIQUE:** That was my information
10 at the time, yes.

11 **MR. ERIC BROUSSEAU:** Okay.

12 **COMM. THOMAS CARRIQUE:** And this is -- we've had
13 the experience where the 1501 was released publicly. This was
14 not for public consumption. There was great concern over OPS
15 being provided the number of resources that they required, so
16 this was providing the Deputy Solicitor General with a level of
17 situation awareness. Should he receive similar information from
18 his federal counterpart over the same concern that the RCMP had
19 expressed, that this had been corrected.

20 **MR. ERIC BROUSSEAU:** Okay. So maybe you can help
21 us understand the concern expressed about the numbers being
22 requested. What was the concern?

23 **COMM. THOMAS CARRIQUE:** Sorry, can you repeat
24 that?

25 **MR. ERIC BROUSSEAU:** You said this was to help
26 the Deputy Solicitor General fend off questions because there
27 was a concern about the numbers that had been requested. What
28 was that concern?

1 **COMM. THOMAS CARRIQUE:** Yeah, so and I don't
2 believe I said to fend off questions. To provide him with an
3 appropriate and professional level of situational awareness.
4 There had been concerns relayed to him over RCMP officers
5 allegedly sitting around, not being provided direction. We had
6 received same information from some of our officers, and the
7 Deputy Solicitor General, I wanted to assure him that there was
8 similar information, that we had had more officers there than
9 Ottawa; however, that that had been corrected and balanced. So
10 should he have to explain that, enter into a conversation with
11 regards to that, that that situation had been resolved.

12 **MR. ERIC BROUSSEAU:** Okay. Now we've heard
13 witnesses testify about what I'll call the Coventry Road
14 incident. Does that ring a bell?

15 **COMM. THOMAS CARRIQUE:** Yes, it does.

16 **MR. ERIC BROUSSEAU:** Okay. What were you made
17 aware of in terms of what happened at Coventry Road?

18 **COMM. THOMAS CARRIQUE:** So my level of awareness
19 on that was very specific to feelings from PLT, Provincial
20 Liaison Team, that that would have damaged the reputation and
21 progress that they felt they were making.

22 **MR. ERIC BROUSSEAU:** Okay. And if we could pull
23 up OPP00001532? This is an email that Deputy Commissioner
24 Harkins forwarded to you.

25 Sorry, I just want to make sure that the
26 Commissioner caught at the top that it was sent to him.

27 **COMM. THOMAS CARRIQUE:** Thank you.

28 **MR. ERIC BROUSSEAU:** Okay. And if we could

1 scroll down now to the -- it comes from Superintendent Abrams
2 who wrote the email. And just give you a second to read it.

3 **COMM. THOMAS CARRIQUE:** Thank you.

4 **MR. ERIC BROUSSEAU:** The part I want to ask you
5 about, we don't have to sort of read the whole email, but I want
6 to get down to the two major operational plans upcoming. So if
7 we could scroll down to that part there? So Superintendent
8 Abrams was briefing others, and then this email gets passed onto
9 you about a couple of planned actions, one at Rideau and Sussex,
10 another, which other witnesses have described as sort of snatch
11 and grab or was described as snatch and grab.

12 Then if we scroll down, we see that
13 Superintendent Abrams spoke with Superintendent Patterson and
14 said, as a result -- basically, Superintendent Abrams was not
15 satisfied that there was any sort of plan or legal authority for
16 the OPP POU to be participating in this -- these two plans. Is
17 that a fair assessment of the email?

18 **COMM. THOMAS CARRIQUE:** Yes, I would say it is.

19 **MR. ERIC BROUSSEAU:** Okay. And do you recall
20 having discussions amongst your team about that?

21 **COMM. THOMAS CARRIQUE:** Yes, and I also recall
22 having a follow-up discussion with Chief Sloly on this as well.

23 **MR. ERIC BROUSSEAU:** Okay. Can you tell us about
24 that discussion?

25 **COMM. THOMAS CARRIQUE:** I shared the concerns
26 that were relayed by my team, and it was the next day that we
27 had the Integrated Planning Team that had arrived or had started
28 to make their way to Ottawa to assist with more thorough

1 planning.

2 **MR. ERIC BROUSSEAU:** But you were concerned with
3 the request for OPP members to participate in the Rideau and
4 Sussex dynamic plan to clear that intersection?

5 **COMM. THOMAS CARRIQUE:** I accepted the advice of
6 my team. I didn't personally have enough in-depth knowledge of
7 what was going on the -- on on the ground to have a personal
8 concern, but certainly accepted the concerns and advice of my
9 team, and ensured that I relayed that to Chief Sloly, who I
10 believe -- as a result, and maybe as a result of other inputs
11 that he received. That action did not move forward.

12 **MR. ERIC BROUSSEAU:** Okay. I want to take you
13 back to your exchanges with Deputy Solicitor General Di Tommaso,
14 which is OPP00004580. If we could go to page 71 at the bottom?

15 So this is on February 7th, the day after Coventry
16 Road:

17 "Is it appropriate to suggest that all
18 officers in Ottawa be advised that jerry
19 cans (whether filled with diesel or water)
20 ought to be investigated and potentially
21 seized. Still seeing some social media of
22 groups of men carrying jerry cans into the
23 red zone."

24 And then your response:

25 "They have provided that direction,
26 supported by a crown opinion. The latest
27 response is protestors walking around with
28 diesel can[s] filled with water."

1 What can you tell us about this exchange with the
2 Deputy Solicitor General?

3 **COMM. THOMAS CARRIQUE:** I don't know that I can
4 too much more to what's in the text conversation. If you scroll
5 back up to his question of me, he is asking if it's:

6 "...appropriate to suggest that all officers
7 in Ottawa be advised that jerry cans
8 (whether filled with diesel or water)
9 ought to be investigated and potentially
10 seized."

11 He's asking a question and I've answered that
12 question to say that a Crown opinion was been sought and there
13 are protestors walking around with diesel cans filled with
14 water, which made it very challenging for the officers on the
15 ground to proceed with that enforcement. Not all of the jerry
16 cans actually contained fuel.

17 **MR. ERIC BROUSSEAU:** And I note that the Deputy
18 Solicitor General's text is prefaced with "Is it appropriate".
19 Did you take this to be a sort of suggestion that people
20 carrying jerry cans ought to be arrested in Ottawa?

21 **COMM. THOMAS CARRIQUE:** I don't know that I would
22 take it as a suggestion. He's asking me if it's appropriate,
23 and I've responded, I think, accordingly.

24 **MR. ERIC BROUSSEAU:** Okay. If we could go to
25 OPP0001546? I'm taking you to an email now, again, which was a
26 forward from Supt. Abrams arising out of the call that he had
27 participated in with Chief Sloly and his team on February 6th.

28 So if we just stop there?

1 This is your response, ultimately:

2 "My thanks to Craig. Important info to
3 have."

4 **COMM. THOMAS CARRIQUE:** M'hm.

5 **MR. ERIC BROUSSEAU:** But if we can go down to the
6 text of the email from Supt. Abrams? And so why did you feel
7 that this was important information to have?

8 **COMM. THOMAS CARRIQUE:** I felt it was important
9 that Craig share that with his deputy, and in turn, with me.
10 although it was important information to have, this did not
11 impact, in any way, shape, or form, the resources that were
12 facilitated to Ottawa Police. There was very clear direction
13 provided to Chief Supt. Carson Pardy that whatever resources
14 were requested to perform permanent functions or identified
15 functions, that we would provide them to the best of our
16 ability.

17 But there was all sorts of public communication
18 taking place over the number of officers, what was required, had
19 been provided. So I did see this as important to have, but not
20 impactful in terms of how we would continue to assist Ottawa
21 Police, not a big enough concern for me that it was something
22 that I would even bother following up on with Chief Sloly. It
23 had no material impact on our planning process and the
24 assistance provided.

25 **MR. ERIC BROUSSEAU:** Okay. So you never
26 discussed what you learned from Supt. Abrams' email with Chief
27 Sloly?

28 **COMM. THOMAS CARRIQUE:** I don't believe I ever

1 discussed this with Chief Sloly.

2 **MR. ERIC BROUSSEAU:** Okay.

3 **COMM. THOMAS CARRIQUE:** If it was to impact my
4 assessment on resources required or ability to provide them, I
5 would have. I had previously discussed with him concerns over
6 the underutilization of our resources, which you identified in
7 the text messages between myself and the Deputy Solicitor
8 General, which he had not been aware of and he addressed. But I
9 did not feel that this was something that warranted the Chief's
10 attention.

11 **MR. ERIC BROUSSEAU:** Okay. I think about 25
12 minutes after you received that email, you had a call with the
13 Deputy Solicitor General and Chief Sloly about the City of
14 Ottawa's forthcoming request for 1,800 officers. Do you
15 remember being part of that call?

16 **COMM. THOMAS CARRIQUE:** I don't recall that being
17 a call with all three of us. No, I do not. But if it's the
18 call that I think you're referencing, I think it may be cited
19 that there was discussion around twice the number of resources,
20 if you could take me to that document. But if I am recalling
21 correctly, I certainly did share with the Deputy Solicitor
22 General that this information had been relayed to me, and I
23 assured him that it would not impact the resources we were
24 providing to Ottawa. But I do not recall a three-way
25 conversation where this was discussed.

26 **MR. ERIC BROUSSEAU:** Okay. Well let's pull up
27 your witness statement, because I believe it's in there, which
28 is WTS00000039. It's at page 4. Paragraph 2. The actual

1 comment might be in Ontario's Institutional Report. That's
2 fine. But you recall being aware of it and making the Deputy
3 Solicitor General aware of this kind of doubling the numbers
4 information that you had received?

5 **COMM. THOMAS CARRIQUE:** Correct, yes.

6 **MR. ERIC BROUSSEAU:** But it's -- I just want to
7 make sure we understand. That had no impact on the response to
8 any subsequent requests for additional resources?

9 **COMM. THOMAS CARRIQUE:** No, it did not.

10 **MR. ERIC BROUSSEAU:** Okay. If we could pull up
11 ONT00002343? This is a letter that Mayor Watson and Diane Deans
12 sent to the Premier, Doug Ford, and to the Solicitor General,
13 Sylvia Jones, formally kind of requesting 1,800 additional
14 officers.

15 Would that -- was this sort of politician to
16 politician request unusual?

17 **COMM. THOMAS CARRIQUE:** In my experience, it is
18 unusual. Normally a request of this nature would come from the
19 police chief of jurisdiction to me to be facilitated.

20 **MR. ERIC BROUSSEAU:** Okay. And do you know why
21 it didn't come directly from Chief Sloly in this case?

22 **COMM. THOMAS CARRIQUE:** I think that's a question
23 to ask of the Mayor. I do not.

24 **MR. ERIC BROUSSEAU:** Okay. And ultimately, you
25 know, I take it you received a copy of this letter from the
26 Solicitor General's office?

27 **COMM. THOMAS CARRIQUE:** I did, yes.

28 **MR. ERIC BROUSSEAU:** Okay. And what was -- I

1 mean, there's a request for 1,800 officers and you had heard
2 just that morning about the doubling of the number. And did you
3 not approach the 1,800 number with some level of skepticism,
4 given what you had you had learned a few hours before that?

5 **COMM. THOMAS CARRIQUE:** I think it would be fair
6 to say that it would cause me to question the number. But the
7 number really becomes irrelevant in the absence of having a plan
8 to define the number. And as you'll see in my witness summary,
9 the eventual plan not only was not far off the 1,800, it
10 actually exceeded the 1,800.

11 So the number really becomes a red herring. We
12 require a plan to define the number of resources required, what
13 are the expertise of those resource, what date are they required
14 on, how long are they required for. Those are all details that
15 get sorted out. So whether it's twice what they think they
16 need, which may be out of context. Maybe they needed half of
17 that on one day, but for sustainability, they were going to need
18 twice that. This is all noise, as far as I'm concerned. We
19 needed to get a fully developed plan so we could provide Ottawa
20 with the assistance that they needed, which exceeded the 1,800.

21 **MR. ERIC BROUSSEAU:** Okay. But they're saying --
22 I mean, here you have the Mayor saying, "We need 1,800." And so
23 what is the -- and then you're telling us, but we need the plan
24 to know what you actually need. Is that sort of a fair
25 assessment?

26 **COMM. THOMAS CARRIQUE:** I don't know that that's
27 a fair assessment. It's much more detailed and complicated than
28 that.

1 Right away, as you heard from Chief
2 Superintendent Carson Pardy, he was identified to lead a
3 planning team that was sent to Ottawa to assist Ottawa. We
4 assembled what I felt were the foremost subject matter experts
5 required to assist Ottawa in the development of the plan.

6 I had a conversation with Chief Sloly to obtain a
7 contact for them to get his agreement with the team coming. And
8 I did indicate to him that they were going to be there to test
9 and verify the plan.

10 These are a lot of resources to be sending, you
11 know. On any given day, on any given day, this is more than the
12 number of Ontario Provincial Police officers that are on duty.
13 1,800 officers on any one day would be equivalent to one of the
14 largest municipal police services in this province.

15 This needed to be planned out and that we would
16 be there to test and verify the plan, but to facilitate the
17 necessary subject matter expertise and the resources required to
18 execute the plan.

19 **MR. ERIC BROUSSEAU:** I want to take you back to
20 your exchanges with Deputy Solicitor Di Tomasso -- Solicitor-
21 General, sorry, OPP0004580. And if we could go to page 67.

22 So this -- there's a text exchange with the
23 Deputy Solicitor-General. Go down.

24 This one lacks a little bit of context, but it
25 says:

26 "Sounds unreasonable ask that will
27 require specific details."

28 And if we go down to the top of page 68, it says:

1 "Deputy, when you have a minute, we
2 should talk re" pending OPS request for
3 resources."

4 So what was your discussion with the Deputy
5 Solicitor-General about this public request for 1,800 officers?

6 **COMM. THOMAS CARRIQUE:** You know, I can give you
7 a general overview as to whether it was that specific
8 conversation or a compilation of conversations, but it was our
9 overall strategy to facilitate this request.

10 One, I had a concern that this request was made
11 in the public, that it was made politically, that by Ottawa --
12 the City of Ottawa indicating they needed 1,800 officers to
13 resolve this matter, that showed that Ottawa Police was
14 overwhelmed and how did that impact our ability to ensure that
15 we had the appropriate level of police resources to respond to
16 concurrent, multi-jurisdictional events that were happening
17 across this province, to let him know how we were intending to
18 respond to it by sending a Chief Superintendent that could work
19 peer to peer with Chief Sloly on the development of the plan and
20 the necessary resources to develop a fully-informed plan.

21 **MR. ERIC BROUSSEAU:** You mentioned your concern
22 about the publicization of the number.

23 You know, the day prior, the Solicitor-General
24 had published the 1,500 number. Isn't that the same issue,
25 that, you know, you're publishing the number of OPP officers --
26 it turned out not to be an accurate or correct number -- but
27 publishing the number of OPP officers that have responded.
28 Isn't that the same concern?

1 **COMM. THOMAS CARRIQUE:** It is the same concern
2 and the Deputy Solicitor-General and I had that same
3 conversation. As you will recall, those numbers were never
4 shared with the intent of them being made publicly available.
5 It was a financial account for the number of resources that we
6 were providing and to give assurance that we were providing the
7 necessary support to Ottawa Police.

8 That information was never shared with the intent
9 of that being communicated publicly.

10 **MR. ERIC BROUSSEAU:** Okay. If we can go down to
11 page 70 of this document, you ask the Deputy Solicitor-General
12 whether the request for 1,800 officers will be referred to the
13 OPP and then the Solicitor-General -- Deputy Solicitor-General
14 says, "Confident it will be referred. Not certain."

15 And then below that referral to -- sorry, below
16 this text, "referral to OPP for assessment only is approved".

17 Can you help us understand what "for assessment
18 only" means?

19 **COMM. THOMAS CARRIQUE:** I think that question is
20 best answered by the Deputy Solicitor-General, but my
21 interpretation of it is they were not directing me to provide
22 1,800 officers, or I think it was 1,700 officers and 100
23 civilian, is what the request was actually for. But they were
24 going to refer it to me for my assessment, which is consistent
25 with the *Police Services Act*.

26 As you recall, when you walked us through section
27 9 of the *Police Services Act*, any requests for assistance is to
28 be assessed by me.

1 **MR. ERIC BROUSSEAU:** Okay. And can I just ask
2 why it seemed uncertain or why you had to ask whether it would
3 be referred to you?

4 Would it not be the case that that kind of a
5 request would automatically go to the -- go to the OPP
6 Commissioner?

7 **COMM. THOMAS CARRIQUE:** Well, as -- yes, you're
8 correct. As we discussed earlier, normally that request would
9 come directly to me. So at this point in time, I'm responding
10 to a request that has been made public and is yet to be received
11 by me. The request was directed to the Premier and to the
12 Solicitor-General, so I wanted some assurance that that request
13 would be passed over to me, which I was the appropriate
14 recipient of that request. It should have been sent to me
15 initially.

16 **MR. ERIC BROUSSEAU:** Okay. And if we can pull up
17 ONT00000851.

18 This is the Solicitor-General's response sent on
19 February 10th, which is three days after the letter, the
20 February 7th letter.

21 And so my question, Commissioner Carrique, is
22 just do you know why it took so long to respond and what
23 happened on the OPP's side in the interim?

24 **COMM. THOMAS CARRIQUE:** I can't speak to the
25 length of time that it took to formally respond to the request,
26 but I think you have already heard in great detail from Chief
27 Superintendent Carson Pardy what transpired after we were in
28 receipt of the letter or the information as it related to the

1 1,800 members required.

2 On the 7th, Carson Pardy was assigned the task of
3 leading the Integrated Planning Team. On the 8th of February,
4 he was briefed by myself and Deputy Commissioner Chris Harkins,
5 and then he immediately made his way to Ottawa and commenced his
6 relationship with Ottawa and the rest of the subject matter
7 experts in contributing to the development of a plan and the
8 assigning of resources.

9 **MR. ERIC BROUSSEAU:** Okay. And I did want to get
10 into the Integrated Planning Team.

11 Where did that idea come from and why was it
12 necessary?

13 **COMM. THOMAS CARRIQUE:** So that was my idea as it
14 related to the request that I was furnished to respond to.
15 1,800 officers -- or 1,700, sorry, and 100 civilian staff, if
16 that was what was going to be required, the Ontario Provincial
17 Police did not have that capacity to fulfil that request on its
18 own. It would take integration, cooperation from across the
19 province and perhaps outside of Ontario, which it did. There
20 were more than 20 police services that ended up contributing to
21 the final operation.

22 And knowing the status of the operation as it
23 was, the reported ongoing challenges with moving forward, I felt
24 it was not appropriate to support the Ottawa Police with
25 providing the foremost subject matter experts to ensure that a
26 plan was built that could satisfy the requirements that they
27 were facing.

28 **MR. ERIC BROUSSEAU:** Okay. And I won't take you

1 there in the interests of time, but in a text message exchange
2 with Commissioner Lucki on February 7th, you write:

3 "I spoke with Peter. He is agreeable.
4 I will have C/Supt Carson Pardy in
5 Ottawa tomorrow to get things started."

6 So ---

7 **COMM. THOMAS CARRIQUE:** Yes.

8 **MR. ERIC BROUSSEAU:** --- I take it you spoke
9 directly to Chief Sloly about this Integrated Planning Cell.

10 **COMM. THOMAS CARRIQUE:** Yes, I did.

11 **MR. ERIC BROUSSEAU:** Okay. Can you tell us about
12 that discussion?

13 **COMM. THOMAS CARRIQUE:** Yes. I think we covered
14 this a few moments ago.

15 So we did have a conversation where we talked
16 about the manner in which the request was received and also that
17 I would be sending Chief Superintendent Carson Pardy, if he was
18 in agreement, to establish an Integrated Planning Team. It's
19 been referred to as a planning team, a planning cell, a planning
20 group, various forms of description before this Commission, all
21 essentially meaning the same, and that we would assemble the
22 foremost experts.

23 And I previously highlighted for you that
24 included in that conversation was my responsibility to ensure
25 that we had tested the plan and that we verified it and that we
26 provided the appropriate level of expertise to that plan and the
27 right number of resources.

28 **COMMISSIONER ROULEAU:** Just a reminder, you're

1 speeding up again.

2 **COMM. THOMAS CARRIQUE:** Sorry, Commissioner.

3 **COMMISSIONER ROULEAU:** I know you're
4 enthusiastic, and we all love to testify, but 't's -- if you can
5 just try and keep in mind.

6 **COMM. THOMAS CARRIQUE:** Thank you. My apologies,
7 Commissioner.

8 **COMMISSIONER ROULEAU:** No, that's fine.

9 **MR. ERIC BROUSSEAU:** The City of Ottawa had
10 requested the 1,800 additional resources the day before, on
11 February 7th. So while the Integrated Planning Cell, or group,
12 or team was getting set up and assembled and starting their
13 work, was any work being done to actually gather those 1,800
14 officers ---

15 **COMM. THOMAS CARRIQUE:** Absolutely.

16 **MR. ERIC BROUSSEAU:** --- so that they would be
17 ready?

18 **COMM. THOMAS CARRIQUE:** Absolutely. So there
19 were ongoing meetings taking place with chiefs across the
20 Province of Ontario. There were federal partners engaged in
21 those meetings as well. Resource requirements were discussed
22 there. There were various forms of communication sent out to
23 policing partners. Our Emergency operation Centre was actively
24 identifying resources across the province that could be
25 deployed. And I'm sure you will have heard in his evidence from
26 Chief Superintendent Carson Pardy the great efforts that were
27 undertaken to provide resources, and the evidence will show that
28 the number of OPP officers steadily increased from that point

1 forward.

2 **MR. ERIC BROUSSEAU:** Okay.

3 I want to pull up OPP00004561, which are minutes
4 from a meeting of the Commissioner's Command Team on
5 February 8th.

6 First of all, can you tell us who -- what is the
7 Commissioner's Command Team?

8 **COMM. THOMAS CARRIQUE:** So a Commissioner's
9 Command Team is comprised of what we would call our provincial
10 commanders and myself. So that is Deputy Commissioner Chris
11 Harkins, Deputy Commissioner Rose DiMarco, Deputy
12 Commissioner Chuck Cox, and Provincial Commander Mary
13 Silverthorn.

14 **MR. ERIC BROUSSEAU:** Okay. And if we can just
15 scroll down. There it is in the middle. "Commissioner", this
16 is attributed to you:

17 "...will need the process with OPS to
18 be established. Where is the plan -
19 can't do anything until we either have
20 it or assist with building it. How are
21 you going to use the resources that
22 you've asked for. Have a SMEAC for the
23 next 24 hours at very least."

24 And so is -- again, I think this is reflecting
25 that, you know, actually sending resources to Ottawa is
26 contingent on either having a plan or assisting in building a
27 plan. Is that fair?

28 **COMM. THOMAS CARRIQUE:** That's not completely

1 accurate. So not sending 1,800, so 1,700 officers and 100
2 civilian, could not be done without a plan, but that did not
3 prohibit us from continuing to support Ottawa with frontline
4 police resources, with PLT, and with Public Order.

5 **MR. ERIC BROUSSEAU:** Okay.

6 **COMM. THOMAS CARRIQUE:** That support continued
7 throughout.

8 **MR. ERIC BROUSSEAU:** Can I ask, what about -- why
9 did it take 10, 11 days to get this Integrated Planning Group up
10 and running? There were a few OPP planners who were embedded in
11 Ottawa from a very early stage, but what is it that caused you
12 to put this group together at this time?

13 **COMM. THOMAS CARRIQUE:** Well, the sheer number of
14 the resources that were being asked for that would likely end up
15 being required, and as I have identified, were required and then
16 some, and the challenges that were being reported with
17 developing and advancing the plan. And we had had subject
18 matter experts in Ottawa previously, we had offered their
19 expertise and support, but not to the development of a plan that
20 was ready to be executed.

21 **MR. ERIC BROUSSEAU:** Okay.

22 If we could pull up OPS00014454.

23 These are -- I think we saw these earlier. These
24 are notes taken by Christiane Huneault, who is counsel for the
25 OPS and was taking notes at various meetings.

26 And if we to page 130.

27 And this is not a meeting that you were at ---

28 **COMM. THOMAS CARRIQUE:** Okay.

1 **MR. ERIC BROUSSEAU:** --- Commissioner Carrique.

2 I just -- there's a reference here I want to ask you about.

3 If we go down, it says, towards the bottom of the
4 page, I believe.

5 It says -- this is a meeting that is occurring on
6 the 8th, I believe. "Tom C", and then it's got "OPP" kind of
7 written on top:

8 "...is assessing if we are worthy of
9 getting the additional ask resources."

10 Do you know why that would've -- I mean, that
11 would've been a sense from somebody within the OPS? Why would
12 they have used the word "worthy" of getting the resources?

13 **COMM. THOMAS CARRIQUE:** I certainly wouldn't use
14 the word "worthy" to describe the process that was necessary,
15 but I can sympathise with why somebody may feel that way. We've
16 advised that we're sending a group of subject matter experts.
17 There has been various intervals along the way where we've asked
18 that a certain number of our subject matter experts be consulted
19 and their advice considered. And Chief Sloly and I had a very
20 open and transparent conversation where I did indicate that we
21 would be required to test and evaluate the strength of the plan.
22 So I can certainly see why that might be described that way.

23 **MR. ERIC BROUSSEAU:** Okay.

24 If we could pull up OTT00005590.001.

25 You're not on this email chain, but I want to
26 show you a table at the end of this ---

27 **COMM. THOMAS CARRIQUE:** Okay.

28 **MR. ERIC BROUSSEAU:** --- email. This is internal

1 to the City of Ottawa, but it's something that Chief Sloly sent
2 to them. And this is a table with -- I think the total number
3 of resources required there is -- it says 1,790 at the bottom.

4 Maybe make it a little bit larger.

5 Do you recall seeing this table in any other
6 context?

7 **COMM. THOMAS CARRIQUE:** I did see something
8 similar to this at some point in time, yes. I can't say that it
9 was precisely this, but at some point in time, through the
10 process, I had seen a table that identified what resources were
11 anticipated being required or were required at that time, yes.

12 **MR. ERIC BROUSSEAU:** Okay. And is this table, I
13 guess there's a couple of tables, is that a level of detail that
14 would be sufficient for you to approve or agree upon sending
15 1,800 officers to Ottawa?

16 **COMM. THOMAS CARRIQUE:** Not in totality, no.
17 However, during this period, one thing that was clearly
18 communicated was any requests for frontline resources we would
19 facilitate, and I think you will find that during this period
20 all requests for frontline uniform assistance was provided. The
21 number again becomes a red herring. We need to know, for
22 example, a thousand general duty officers, specifically what
23 dates are they need for, what shifts are they going to be
24 working, where are they going to be staying? These things all
25 have to be coordinated. It's not as easy as just pulling
26 together a thousand police officers and sending them off.

27 Every officer, as I have articulated earlier,
28 every officer sent to Ottawa was an officer out of the local

1 community. We don't have a warehouse of police officers where I
2 can pull them off the shelf one at a time. They are being
3 pulled out of a front seat of police cars and our communities
4 across this entire province.

5 **MR. ERIC BROUSSEAU:** I understand from Deputy
6 Solicitor General Di Tommaso's summary that you spoke with him
7 on February 8th, and he recalls, and it's recorded in his
8 summary, that during that conversation you told him that the OPP
9 was under enormous pressure and that he understood you to be
10 referring to political pressure. Is that accurate?

11 **COMM. THOMAS CARRIQUE:** I can't say what he felt
12 I meant by that, but I don't ever recall sharing with Deputy
13 Solicitor General Di Tommaso that I felt under enormous
14 political pressure. At no time was I under any political
15 pressure in relation to this. There was a lot of political or
16 public pressure being felt I think by every police leader, but
17 at no point in time was I under any political pressure.

18 I would suggest it would be worthy of asking
19 Deputy Di Tommaso further on that. He may have been referring
20 to staffing pressures. So at this moment in time, I only had
21 3,000 frontline police constables available to us to fulfill all
22 of our responsibilities in 330 municipalities. I was running at
23 an Operational availability of only 73 percent. So to amass
24 this amount of resources is a significant Operational pressure,
25 but at no point in time would I have ever communicated, nor did
26 I ever feel as though I was being put under political pressure.

27 **MR. ERIC BROUSSEAU:** Okay. So is it possible you
28 told him that you were under enormous pressure and he misread

1 that and misunderstood that to mean political pressure?

2 **COMM. THOMAS CARRIQUE:** No. No. At no point in
3 time would I have ever communicated that I, myself, was under
4 enormous pressure.

5 **MR. ERIC BROUSSEAU:** Sorry, I'm referring to the
6 OPP, General.

7 **COMM. THOMAS CARRIQUE:** Operational pressures,
8 Operationally stretched, absolutely. With a 73-percent
9 Operational availability, I'm down almost a thousand police
10 officers on the frontline for various reasons, this puts an
11 organisation under enormous operational pressure, which is
12 completely different than political pressure.

13 **MR. ERIC BROUSSEAU:** I appreciate that.
14 Commissioner, I'm about to change gears, so I
15 wonder if now is an appropriate time for the morning break?

16 **COMMISSIONER ROULEAU:** Certainly. We can take a
17 15-minute break and come back in 15 minutes to continue the
18 examination. Thank you.

19 **THE REGISTRAR:** The Commission is in recess for
20 15 minutes. La commission est levée pour 15 minutes.

21 --- Upon recessing at 11:22 a.m.

22 --- Upon resuming at 11:39 a.m.

23 **THE REGISTRAR:** Order. À l'ordre.

24 **COMMISSIONER ROULEAU:** Yes, I'm not a judge
25 today.

26 **THE REGISTRAR:** The Commission is reconvened. La
27 commission reprend.

28 **--- COMM. THOMAS CARRIQUE, Resumed:**

1 --- EXAMINATION-IN-CHIEF BY MR. ERIC BROUSSEAU (Cont'd):

2 MR. ERIC BROUSSEAU: Back, Commissioner Carrique.

3 I just want to ask one follow-up question from this morning.

4 You mentioned that all police chiefs in Ontario are receiving
5 the Hendon reports; do you recall that?

6 COMM. THOMAS CARRIQUE: Yes. Is this working?

7 COMMISSIONER ROULEAU: Oh, no. Is there the ---

8 MR. ERIC BROUSSEAU: We're good?

9 COMMISSIONER ROULEAU: We're good. Go ahead.

10 COMM. THOMAS CARRIQUE: We're good now? Okay.

11 Thank you.

12 MR. ERIC BROUSSEAU: So my question is was -- is
13 Commissioner Lucki herself on that distribution list?

14 COMM. THOMAS CARRIQUE: Commissioner Lucki
15 herself would not be on that distribution list, but numerous
16 members of the Royal Canadian Mounted Police are on that
17 distribution list.

18 MR. ERIC BROUSSEAU: Okay. Thank you.

19 Now I want to switch gears and talk about
20 Windsor. And so can you help us understand, I mean, there's
21 Windsor Police Service, there's CBSA, and then there's OPP, so
22 can you help us understand what the OPP has jurisdiction over
23 when it comes to Windsor?

24 COMM. THOMAS CARRIQUE: As it relates to the City
25 of Windsor, we have no jurisdiction. We police through
26 municipal policing responsibilities in and around the City of
27 Windsor.

28 MR. ERIC BROUSSEAU: Okay. Nothing within the

1 city?

2 **COMM. THOMAS CARRIQUE:** No, not as it relates to
3 frontline uniform patrol, no.

4 **MR. ERIC BROUSSEAU:** Okay. Now we spoke this
5 morning about the sort of early intelligence, and if we could
6 pull up OPP00000819, this is a January 31st Hendon report. And
7 if we go to page 3, there is -- point 13 is a reference.

8 "Open source information suggests that
9 truck drivers from the United States
10 plan to block the American side of the
11 Ambassador Bridge in Windsor to
12 coincide with Canadian drivers blocking
13 the bridge in Windsor. The available
14 information does not include a date or
15 time."

16 To your knowledge, did the OPP take any sort of
17 positive steps to try and figure out when a blockade might occur
18 after this January 31st report?

19 **COMM. THOMAS CARRIQUE:** That level of detail
20 isn't something that I could provide you with. That would be
21 more appropriately asked of Superintendent Morris, who's
22 previously attended, or those that were assigned taskings
23 related to the intelligence. Where there is intelligence that
24 requires further information, a lot of times, there'll be
25 taskings that come out of that, but that's not a level of detail
26 that I would be privy to.

27 **MR. ERIC BROUSSEAU:** Okay. And if we go ahead to
28 the February 4th Hendon report, which is OPP00000825, page 6.

1 This is the evening of February 4th. There's a little bit more
2 specificity to the threat here. In a section called "Ontario:
3 Open Source Information",

4 "A social media message is calling for
5 Canada-wide rail blockades on [February
6 5th].

7 Commercial truck drivers and supporters
8 may conduct slow rolls on roadways near
9 the Ambassador Bridge over the next
10 three days, and may attempt to block
11 the bridge on [February 7th]."

12 Do you recall being made aware at that time,
13 February 4th, that there was an impending blockade?

14 **COMM. THOMAS CARRIQUE:** I was aware of the
15 pending blockade, and I had communicated with Chief Mizuno to
16 determine whether they required any additional assistance, and
17 we were connected at an operational level, and at that time, we
18 were not required.

19 **MR. ERIC BROUSSEAU:** Additional assistance was
20 not required?

21 **COMM. THOMAS CARRIQUE:** Was not required. No,
22 sir.

23 **MR. ERIC BROUSSEAU:** Okay. If we pull up
24 OPP000001519, this is -- and it's page 1 at the bottom. This is
25 sort of a note to yourself or an email to yourself from the --
26 on the same day, February 4th. And it says there, the second to
27 last point,

28 "The Chief of Windsor Police has

1 requested assistance with convoys [...]
2 and a potential blockade [...] at the
3 Ambassador Bridge"

4 So it's my understanding that as of February 4th,
5 Windsor had, in fact, asked for assistance. Does this kind of
6 give you a better sense of what had been requested and when?

7 **COMM. THOMAS CARRIQUE:** Sorry, could you go back
8 up to the top?

9 Yeah, so this is -- this looks as though it's
10 some notes that I've transcribed. We were not formally asked
11 for any assistance as it relates to public order. We may have
12 been providing some frontline resources and we may have had some
13 quick response teams available in the area through west region,
14 but we had not formally been asked to provide any assistance as
15 it relates to integrated command or having a Public Order Unit
16 on ground.

17 **MR. ERIC BROUSSEAU:** Okay. I guess I'm just --
18 I'm confused because your note records being asked for -- a
19 request for assistance, but you're saying there hadn't been a
20 formal request yet?

21 **COMM. THOMAS CARRIQUE:** No, there was not. I
22 don't -- this obviously is something that I've pulled together
23 in the form of constructing some sort of note, but it doesn't
24 look as though I sent it anywhere or did anything with it, so
25 I'm not sure specifically what that would be in relation to, but
26 there was no formal request from Windsor for any assistance.
27 There had been going -- ongoing communication with Windsor. In
28 particular, there was a call leading up to the 7th, a conference

1 call, where the Chief of Police indicated that they had all the
2 resources they required.

3 **MR. ERIC BROUSSEAU:** Okay.

4 **COMM. THOMAS CARRIQUE:** And that they would
5 obviously be monitoring it. This being a roll -- potential
6 rolling blockade as opposed to a large convoy making its way to
7 a designated and identified area.

8 **MR. ERIC BROUSSEAU:** Okay. Well, I think the
9 Hendon report we saw talked about both, like, rolling -- slow
10 rolls on the weekend and then a potential blockade on the
11 Monday.

12 **COMM. THOMAS CARRIQUE:** Correct.

13 **MR. ERIC BROUSSEAU:** If we could pull up
14 OPP00004580, which is -- this is your thread with Deputy
15 Solicitor General Di Tommaso. I just -- I'm just bringing it up
16 because if we go to page 52, I think the same information
17 recorded in your note to self there, it was provided to Deputy
18 Solicitor General Di Tommaso, if you see that at the bottom.

19 "The Chief of Windsor Police has
20 requested assistance with convoys [...] and a potential blockade [...] at the
21 Ambassador Bridge."
22

23 And this was sent on February 5th. Do you recall
24 any discussion with the Deputy Solicitor General around that
25 time about the potential impact of a Windsor blockade?

26 **COMM. THOMAS CARRIQUE:** No, other than the
27 situational update that's been provided here. So this is
28 obvious that these two pieces of information are the same, so

1 what I've likely done has been pulling information constructed
2 into an email format, then being able to pull it out and provide
3 the necessary update. So I can't say for certain, but reviewing
4 the information I would say that this was requests at a local
5 level for instance.

6 So as I described earlier, sometimes those
7 requests can go from Detachment Commander into a Detachment
8 Commander. Sometimes they can come in at a Regional Command
9 level. And sometimes they will come in formally to me.

10 I did not have a formal request for assistance
11 and I had inquired with the Chief of Windsor if there was
12 anything that they -- she had needed from me additionally.

13 **MR. ERIC BROUSSEAU:** Okay.

14 **COMM. THOMAS CARRIQUE:** So I hope that clarifies
15 that.

16 **MR. ERIC BROUSSEAU:** It does.

17 But just so we understand, I mean, even a sort of
18 detachment level request is a request and it's -- like it would
19 be actioned. It's not that a request would need to be made
20 directly to you by the Windsor Police Service for assistance.
21 Is that accurate?

22 **COMM. THOMAS CARRIQUE:** That's correct.

23 So there will be requests on a day-to-day basis
24 that will come in at a detachment level that I may or may not be
25 aware of, at a Regional Command level that I may or may not be
26 aware of. In most cases where it's requests for specialized
27 services, the police service of jurisdiction will be asked to
28 send a formal request.

1 And I don't have any recollection, nor any
2 record, of a formal request.

3 **MR. ERIC BROUSSEAU:** Okay. On February 6th, just
4 very briefly, there was a blockade at the Blue Water Bridge in
5 Sarnia. Is that correct?

6 **COMM. THOMAS CARRIQUE:** Not exactly. There was
7 not a blockage at the Bluewater Bridge. There were -- there was
8 a blockade on Highway 402 which was some distance from the Blue
9 Water Bridge, approximately 30 to 40 kilometres out from the
10 bridge.

11 **MR. ERIC BROUSSEAU:** Okay. But that fell into
12 OPP jurisdiction?

13 **COMM. THOMAS CARRIQUE:** That did, yes.

14 **MR. ERIC BROUSSEAU:** Okay. And how was that
15 resolved?

16 **COMM. THOMAS CARRIQUE:** That was eventually
17 resolved through PLT. Actually, my belief is the *EMCPA*, so the
18 *Emergency Measures and Civil Protection Act*, that was invoked by
19 the province that provided police with some additional tools as
20 it related to being able to seize vehicles, seize commercial
21 motor vehicle permits, to be able to seize vehicle permits,
22 those tools assisted us in being able to resolve that.

23 There was a lot of very expensive farm equipment
24 that was part of that blockade that was legitimately required
25 for operational farms, so I believe the risk of those pieces of
26 equipment of being seized by the police and them seeing the
27 action that had been taking place around the province enabled
28 our PLT to resolve that particular issue.

1 **MR. ERIC BROUSSEAU:** Okay. Going back to
2 Windsor, Deputy Chief Crowley told us about that he attended an
3 OACP meeting on February 7th, OACP being the Ontario Association
4 of Chiefs of Police?

5 **COMM. THOMAS CARRIQUE:** Correct.

6 **MR. ERIC BROUSSEAU:** And that there were RCMP and
7 OPP officers there.

8 I don't believe you were at that meeting. I
9 think it was Superintendent McDonell. Does that sound accurate?

10 **COMM. THOMAS CARRIQUE:** If I wasn't there, I
11 couldn't say. I'm sorry.

12 **MR. ERIC BROUSSEAU:** He told us -- this is Deputy
13 Chief Crowley -- told us that he raised the possibility of the
14 blockade, which hadn't yet happened -- it started that evening -
15 - and that he was told by his RCMP and OPP colleagues on the
16 call that Ottawa as the priority at the time and there
17 essentially weren't any resources for Windsor.

18 Is that an accurate representation of kind of
19 what was available on February 7th?

20 **COMM. THOMAS CARRIQUE:** I can't say it is an
21 accurate or inaccurate representation. Had there been a request
22 for Public Order resources, that would have been examined
23 through what we call the Public Order hub, and they would have
24 determined what was available to be deployed or not. But we
25 certainly were able to amass the resources required later that
26 week and you'll note that there were over 400 police officers
27 that attended to assist Windsor. But not being party to that
28 conversation, I don't think I can accurately comment on the

1 contents of it or the accuracy of it.

2 **MR. ERIC BROUSSEAU:** Okay. Prior to the blockade
3 occurring, which was some time on the 7th, did you have
4 discussions with the Deputy Solicitor-General about whether
5 there would be a need to prioritize Windsor over Ottawa if a
6 blockade did occur?

7 **COMM. THOMAS CARRIQUE:** I can't say at what point
8 in time I would have had conversations with the Deputy
9 Solicitor-General over the need to prioritize. I can tell you
10 that I did have open conversations with the Deputy Solicitor-
11 General over how we prioritized operationally our resources.
12 And once the blockade had occurred in Windsor and we had been
13 asked for formal assistance, there was a request for 100 OPP
14 officers and 100 RCMP officers that came into our possession a
15 very similar way as the Ottawa request. It was forwarded
16 directly to the Province as opposed to me. And it had come in
17 only, I believe, hours after I had already spoken with the Chief
18 of Windsor and offered support and was advised that there was no
19 additional assistance required.

20 And certainly throughout that entire period, I
21 made my decisions known to the Deputy Solicitor-General when
22 appropriate, that when it was time to deploy Public Order to
23 Windsor, that we did not have a defined plan in Ottawa yet.
24 Therefore, we did not know exactly how many resources were
25 required. That the Ambassador Bridge in Windsor was something
26 that we felt we could clear up in two to four days. Ottawa
27 would be five to 10 days at least once a plan was established.

28 We also had concurrent events happening in

1 Toronto at Queen's Park. We had attempts being planned to put
2 blockades at the Peace Bridge in Niagara. We still said -- had
3 Highway 402 on the go. We had plans emerging to attempt to
4 block the bridge in Cornwall. We had things happening in
5 Nippagon. So it was a priority to resolve Windsor.

6 First, we had the resources available, ready. We
7 had a plan ready to go. And there was an enormous, enormous
8 national financial impact on the closure of that bridge
9 totalling \$700 million a day in my understanding of two-way
10 trade.

11 **MR. ERIC BROUSSEAU:** Did the financial impact of
12 the blockade affect the fact that Windsor was a priority?

13 **COMM. THOMAS CARRIQUE:** Not merely the financial
14 impact, but economic security is something that needs to be
15 taken into consideration when you look at the totality of
16 national security and quality of life in our communities.

17 If \$700 million a day in trade is not able to
18 take place, what is the -- what are the ramifications of that?
19 I would suggest that perhaps factories start shutting down,
20 people start losing employment. People may start to lose their
21 homes, et cetera.

22 That's a significant economic that affects
23 quality of life in community and in those conditions can affect
24 crime in community, so it is something that needs to be
25 considered in and amongst all of the other factors that we need
26 to weigh as it relates to public safety, quality of life in
27 community and the bigger picture of national security.

28 This is -- I don't know if it is the most active

1 or relied upon. CBSA would be in a better position to share
2 that. But this is a significant international crossing which is
3 a concern, obviously.

4 **MR. ERIC BROUSSEAU:** And you said that that is
5 something that needs to be considered, but I just want to be
6 clear. It is something that was considered in the need to
7 quickly clear the blockade in Windsor. Is that fair?

8 **COMM. THOMAS CARRIQUE:** One of many factors. How
9 many officers were required, the existence of a plan, how long
10 it would take, proximity to other events that were going on.

11 We also had plans that we were for the Peace
12 Bridge, so by having Public Order assets in Windsor, we can
13 quickly pivot between the Ambassador Bridge and the Peace
14 Bridge. We can pivot over to the Blue Water Bridge.

15 That's a big difference from being in Ottawa.

16 Make no mistake about it, I believe that it was
17 by intent and design that we had activities happening at the
18 furthest points from each other in southern Ontario. It is not
19 circumstance that we had an occupation in the City of Ottawa and
20 we had a blockage at the Ambassador Bridge at the exact same
21 time.

22 That was intentionally designed to challenge the
23 capacity of our police, so that had to be very strategically and
24 methodically managed to ensure that when we took action, it just
25 didn't disperse a problem and make it so it was unmanageable.
26 This was a -- this had to be surgical, this had to be strategic,
27 had to be well thought out and it had to be planned.

28 **MR. ERIC BROUSSEAU:** I want to go back to just

1 working our way through what happened in Windsor. And I think
2 you referred to this earlier, but similar to what happened in
3 Ottawa, the Mayor of Windsor in fact had conversations directly
4 with Solicitor General Sylvia Jones and Minister Mendicino.
5 You're aware of that?

6 **COMM. THOMAS CARRIQUE:** I am aware that there was
7 conversations. I'm aware that those conversations resulted in a
8 letter. I'm not privy to the details of those conversations.

9 **MR. ERIC BROUSSEAU:** Okay. Again, and does that
10 strike you as sort of an odd way to request police resources in
11 the circumstances?

12 **COMM. THOMAS CARRIQUE:** It is not the typical
13 way, nor the preferred way that police resources would be
14 requested. In particular, when just hours earlier I had spoken
15 to the Chief of Windsor, had offered additional assistance, I
16 was advised it was not required at that time. And then an
17 independent request came in seeking additional resources, which
18 caused me to then follow up and ask again and confirm that that
19 request was in fact the request being made on behalf of the
20 Windsor Police Service.

21 **MR. ERIC BROUSSEAU:** And did you ever ask former
22 Chief Mizuno why you had been told they didn't need anything,
23 and then very shortly thereafter, there's this public request
24 for additional resources?

25 **COMM. THOMAS CARRIQUE:** I was under the
26 impression and understanding that as a result of having further
27 conversations subsequent to my conversation with her, that those
28 resources were now being requested and would now be required.

1 But I would suggest it would be most appropriate to ask her that
2 question directly.

3 **MR. ERIC BROUSSEAU:** Okay. And did you ever ask
4 her why -- again, you had a contact with her, so did you ever
5 ask her why she didn't just come to you and ask and instead the
6 Mayor -- well, she sent a letter, ultimately, but she never made
7 that request directly to you?

8 **COMM. THOMAS CARRIQUE:** She did not, no.

9 **MR. ERIC BROUSSEAU:** And sorry, did you ever ask
10 her why that was the case?

11 **COMM. THOMAS CARRIQUE:** Yes. And she said the
12 request was subsequently being made as a result of having
13 further conversations with the Mayor, and she was now asking me
14 for my assistance.

15 **MR. ERIC BROUSSEAU:** Okay. I'd like to go back
16 to your exchange with Deputy Solicitor General, OPP00004580. If
17 we can go to page 72? Scroll down.

18 So we see here, so the Deputy Solicitor General
19 says:

20 "Also. What's the latest on Ambassador
21 bridge? Fed DM Stewart asking also impact
22 on Stellantis?"

23 What is Stellantis?

24 **COMM. THOMAS CARRIQUE:** I don't know what
25 Stellantis is. I can't say I have any knowledge of Stellantis.
26 I would be interested in my response, whether I followed up to
27 find out what Stellantis is, but I don't have a recollection of
28 what it is without looking at what my response was.

1 **MR. ERIC BROUSSEAU:** Okay. There's your
2 response.

3 **COMM. THOMAS CARRIQUE:** I'm guessing that's
4 perhaps a company or something otherwise. I've obviously done
5 some follow up to say that there's no direct mention of
6 Stellantis being intentionally targeted. But I can't tell you
7 today what Stellantis is. I'm sorry.

8 **MR. ERIC BROUSSEAU:** Okay. Stellantis is -- you
9 know, if I were to tell you that it's an auto maker,
10 essentially, a manufacturer of parts, does that sound accurate?
11 Does that ring a bell?

12 **COMM. THOMAS CARRIQUE:** That would absolutely
13 sound accurate. Yes. Thank you.

14 **MR. ERIC BROUSSEAU:** And do you know why the
15 Deputy Solicitor General was passing on a sort of question from
16 a federal counterpart about, like, a private business,
17 essentially?

18 **COMM. THOMAS CARRIQUE:** I can only estimate that
19 it was significant to international relations. But that would
20 be me surmising that.

21 **MR. ERIC BROUSSEAU:** Okay. Can you tell us what
22 assistance was provided in response to the letters seeking 100
23 additional officers from each of the OPP and the RCMP?

24 **COMM. THOMAS CARRIQUE:** So again, similar to the
25 situation with Ottawa's request, there were more officers
26 provided than were requested. And there was some confusion.
27 One of the conversations that I did have with the Chief from
28 Windsor at the time was what it a request for 100 each,

1 totalling 100, or was it 100 in total, because they went
2 independently -- that request went independently as well.

3 But again, we ended up deploying over 400
4 officers to Windsor. Again, showing that the plan drives the
5 number, the number doesn't drive the plan.

6 **MR. ERIC BROUSSEAU:** Did you -- did the OPP
7 deploy officers to Windsor in the absence of seeing the
8 operational plan that they were going to use to clear the
9 blockade?

10 **COMM. THOMAS CARRIQUE:** So like Ottawa, we did
11 have officers deployed to Windsor. And as you pointed out to
12 me, we obviously had officers deployed assisting Windsor leading
13 up to the blockade. So those would have been frontline officers
14 we would have been assisting with traffic management. We very
15 likely would have even had a quick response team in the area.
16 But we would not be deploying public order and taking positive
17 action in the absence of a plan. It would be wholly
18 irresponsible to do so, not only operationally, but ethically as
19 well. There are many factors that need to be articulated and
20 described in a plan to ensure the rights of those that may be
21 lawfully protesting to ensure the safety of officers, the safety
22 of community, the sustainability of a plan. I can't
23 overemphasis, you simply cannot just send an arbitrary number of
24 officers to a location to deal with something so complex.

25 **MR. ERIC BROUSSEAU:** Okay. And I understand on
26 February 9th, OPP Superintendent Dana Earley was appointed in
27 sort of in charge of the OPP's Windsor presence. Is that
28 correct?

1 **COMM. THOMAS CARRIQUE:** That's correct. Yes, she
2 was.

3 **MR. ERIC BROUSSEAU:** And did you appoint her or
4 was she appointed by a Deputy Commissioner?

5 **COMM. THOMAS CARRIQUE:** In conversation with
6 Deputy Commissioner Chris Harkins and I, we identified Supt.
7 Earley to be the Commander in that particular event, and he was
8 the one that had the conversations with her, assigning her that
9 role and responsibility. Then she built her Critical Incident
10 Command team out from there. And Deputy Commissioner Chris
11 Harkins was also the one to have communication and direct
12 contact with a Deputy from Windsor, subsequent to my
13 conversation with the Chief to say that we would be assisting
14 and we would be sending whatever was required.

15 **MR. ERIC BROUSSEAU:** Okay. And now I want to
16 sort of return to the issue of Windsor being a priority, because
17 again, this is something that came up with the Deputy Solicitor.
18 And so his summary records that it was his understanding, the
19 Deputy Solicitor General, that the occupation in Ottawa was
20 limited to the red zone, with a main impact on Wellington, and
21 it was in -- he calls it a significant inconvenience, but not an
22 overriding public safety risk, whereas in Windsor, the blockade
23 had a significant and substantial impact on economic security,
24 resulted in plants shutting down, loss of jobs, and that law
25 enforcement had finite resources and could not effectively
26 address both situations, essentially.

27 And so I want to understand if you agree with
28 these sentiments about what Ottawa represented, what Windsor

1 represented, and the fact that law enforcement couldn't clear
2 both at the same time?

3 **COMM. THOMAS CARRIQUE:** So it's absolutely true
4 that law enforcement could not clear both at the same time. I
5 don't think it's fair to try to separate them in terms of
6 assessment and/or necessarily in terms of risk. We have to
7 separate them in terms of prioritizing where we can take action
8 first, based on the level of risk and the amount of resources
9 available.

10 I think for an accurate description of what was
11 happening at the time, you truly need to go to the Hendon Report
12 of February the 7th. And in that report, in the Hendon Report,
13 the assessment is, taking into the consideration of the totality
14 of all the events around the province and the country, that it
15 posed a possible threat to national security. That was clearly
16 defined in the Hendon Report. So it is impossible to separate
17 all of these events and say, "I'm going to deal with this one in
18 isolation, and when I'm done this one, I'm then going to move to
19 the next." It couldn't be managed that way.

20 And if you look at the evolving increase in
21 police resources in Ottawa at the time, during that same time
22 period, the 12th to the 14th of February, I think you will find
23 that the number of OPP resources in Ottawa almost doubled during
24 that time period. So it wasn't as if attention was taken away
25 from any one particular event, this all had to be managed as a
26 multi-jurisdictional event happening concurrently, all connected
27 to each other. And whether there is evidence to prove that they
28 were connected, that is irrelevant at this stage. This is about

1 a strategy that ensures we can mitigate the risks that were
2 before us as a province and as a country, and that needed to be
3 done in a strategic way.

4 **MR. ERIC BROUSSEAU:** Okay. You mentioned the
5 February 7th Hendon Report, which I think the language is
6 "potential" ---

7 **COMM. THOMAS CARRIQUE:** Potential threats.

8 **MR. ERIC BROUSSEAU:** --- potential national
9 security threat. The next day's Hendon report said potential
10 threat to Canada's sovereignty and national security. Those are
11 the only two times that phrase appears in the Hendon reports.

12 **COMM. THOMAS CARRIQUE:** Well, you may want to go
13 to the 19th of February, which I believe there is similar
14 language around that.

15 And with your indulgence, Commissioner, I think
16 it is important to talk about the terminology. When we say
17 "potential threat" the term "threat" in a Strategic Intelligence
18 report is to indicate something could happen.

19 This is not about establishing a threshold as
20 defined in the *CSIS Act* under section 2, and not even defining
21 the threshold of reasonable grounds to pursue charges as
22 terrorist activity. This is talking from a strategic level what
23 are the risks that need to be taken into consideration when
24 making decisions and developing plans? So the word "potential"
25 is almost immaterial. It's like saying "there's a threat of
26 rain today." Does it change the situation when you say "there's
27 a potential threat of rain today"? I would suggest to you it
28 does not.

1 What is required is further analysis of that
2 threat, and Hendon POIB did have those conversations with the
3 appropriate security partners, CSIS, as well as INSET, the
4 Integrated National Security Enforcement Team, to see if that
5 potential threat rose to the point that would warrant them
6 enacting their mandates for the items that they're responsible
7 for. And in the -- as we know, is in the *CSIS Act*, it says "the
8 security of Canada." It doesn't actually say national security.

9 Public Safety Canada goes to a much broader
10 context when describing national security, and one of the items
11 in national security, if you look at the national security
12 strategy and how it's described by Public Safety Canada,
13 actually includes impact to economy, activities at critical
14 infrastructures, international border crossings.

15 So as you can see, it's a very complex situation
16 that requires detailed analysis.

17 **MR. ERIC BROUSSEAU:** But I take it you're aware
18 that once the February 7th Hendon Report was published, using
19 the phrase "potential threat to national security", CSIS and
20 INSET contacted Superintendent Morris and were concerned with
21 the use of that phrasing and that language in the Hendon
22 reports?

23 **COMM. THOMAS CARRIQUE:** I'm not aware of who
24 contacted who, but I certainly was assured that those
25 conversations took place. And I think Superintendent Morris did
26 a very eloquent job of explaining the intention of the Hendon
27 reports. He is the foremost subject matter expert in this
28 province as it relates to Intelligence. And I would've hoped

1 that he would've described to the Commission that those reports
2 were for strategic purposes, for decision-making and planning,
3 and those references to possible threats to national security, I
4 would suggest to any police leader, ought to be taken extremely
5 seriously.

6 **MR. ERIC BROUSSEAU:** Okay. And I think the
7 Superintendent's evidence was that there were now threats that
8 materialised and he ---

9 **COMM. THOMAS CARRIQUE:** Correct.

10 **MR. ERIC BROUSSEAU:** --- said there were no
11 credible threats to national security. Do you agree with that?

12 **COMM. THOMAS CARRIQUE:** I do agree with that. I
13 do agree with that. And that's a very important part and piece,
14 is that when you move from Strategic Intelligence into
15 Operational and Tactical Intelligence, and establishing
16 thresholds for mandates and thresholds for charges, that further
17 analysis needs to be done to determine whether it's credible and
18 whether that threat actually came to fruition.

19 **MR. ERIC BROUSSEAU:** Okay. And just so I
20 understand, based on your testimony just now, when the Hendon
21 reports use the phrase, "national security" are you saying
22 economic security is part of that -- like that's bound up in
23 national security?

24 **COMM. THOMAS CARRIQUE:** I would say that economic
25 security forms a part of that from a strategic thinking
26 standpoint. Again, I don't want any confusion over a threat to
27 the security of Canada as it relates to the *CSIS Act*. We're
28 talking about a strategic approach to overall national security.

1 Transportation, critical infrastructure, border crossings,
2 economic security, all of those things, cybersecurity, all of
3 those components encompass a multi-faceted approach to national
4 security, and are identified by Public Safety Canada as being
5 important to national security.

6 **MR. ERIC BROUSSEAU:** Okay. I want to go back to
7 Windsor now, and just make sure I understand it.

8 Did you ever receive a direction from the Deputy
9 Solicitor General's Office that Windsor ought to be prioritised
10 as a result of its economic importance?

11 **COMM. THOMAS CARRIQUE:** Absolutely not. Never.

12 **MR. ERIC BROUSSEAU:** Okay. But it's fair to say
13 that the OPP did prioritise it, in part, as you've told us, due
14 to its economic importance.

15 **COMM. THOMAS CARRIQUE:** In part. I think I
16 provided a very detailed description into all of the factors
17 that needed to be considered and how that was identified as an
18 Operational priority, not at the expense or at the cost of other
19 Operations that were maintained, and enhanced simultaneously
20 while we were dealing with Windsor.

21 **MR. ERIC BROUSSEAU:** Okay. You say not at the
22 cost. Again, just returning to Deputy Solicitor General Di
23 Tommaso, and I will say he sort of speculated, but it was his
24 opinion that Ottawa might have been cleared sooner had Windsor
25 not been prioritised essentially. Is that -- would you agree
26 with that assessment?

27 **COMM. THOMAS CARRIQUE:** No. No, I would not.
28 What I would say is that Ottawa may, may have been cleared

1 sooner had we not had to deal with the blockades in Windsor, had
2 we not had to deal with the protest in Toronto, the blockage on
3 the 402, the blockage at Cornwall, and the attempts to block the
4 Peace Bridge in Niagara. That may have allowed Ottawa to be
5 cleared sooner if there was a plan in place ready to go.

6 The plan, to my understanding, was not in place
7 and was not ready to go on February the 12th. It's not until
8 February the 13th that there is a plan in place agreed upon by
9 all the stakeholders that is a safe and viable plan to proceed
10 with, and we were done in Windsor with positive action at that
11 point, we were in a maintenance phase, and all roads were opened
12 up I believe on February the 14th. So I don't think that that
13 is a fair assessment as you have proposed to me.

14 **MR. ERIC BROUSSEAU:** Okay. Is it fair to say
15 that resources went from Windsor to Ottawa to action the plan in
16 Ottawa once Windsor was cleared? Is that fair?

17 **COMM. THOMAS CARRIQUE:** That would be fair to
18 say. And just for a point of clarity, I can't say that
19 specifically Tom Carrique went from Windsor to Ottawa. What I
20 can say is I know that there were some Public Order assets that
21 when done in Windsor were able to reposition to Ottawa. But I
22 can't commit to you that level of detail that specific people
23 moved from Windsor to Ottawa.

24 **MR. ERIC BROUSSEAU:** I understand. I want to
25 take you now to notes of a call from February 10th with the
26 Deputy Solicitor General.

27 It's ONT00005155.

28 These are not your notes, these are the ---

1 **COMM. THOMAS CARRIQUE:** Okay, thank you.

2 **MR. ERIC BROUSSEAU:** --- Deputy Solicitor
3 General's notes. And it's hard to tell if it's a seven o'clock
4 or a nine o'clock. You might remember. It says:

5 "Call [with] Comm Carrique, OPP.
6 Direction to CIC that they are in
7 removal mode."

8 Do you know what is being referred to there?

9 **COMM. THOMAS CARRIQUE:** No, I don't know what
10 that would refer to being in removal mode. So we don't commence
11 Operations in Windsor as it relates to Public Order activity
12 until the 12th of February, I believe, without having that
13 information in front of me, but from my recollection I believe
14 it is the 12th of February.

15 **MR. ERIC BROUSSEAU:** Right, and that is accurate.
16 I'm just wondering if as of the 10th, which is the day after
17 Superintendent Earley had been dispatched to Windsor, there was
18 a direction that you know, we -- like, we have to clear this
19 blockade. Removal -- I take from removal mode, like, we were
20 removing the protesters. And I don't know if that helps.

21 **COMM. THOMAS CARRIQUE:** So we were certainly
22 planning for that as we were in Ottawa, but that does not
23 alleviate the responsibilities of trying to negotiate a peaceful
24 resolution. And I think you will have been provided information
25 as it relates to negotiations that were attempted through PLT
26 including a letter from the Solicitor General. So there were
27 ongoing efforts to deescalate this before we would ever move to
28 enforcement. But you need to be building that plan while those

1 activities are ongoing. You ought not to wait until all
2 opportunities to deescalate have exhausted themselves and then
3 turn your mind to an operational plan to utilize public order,
4 if that is eventually going to be required. All operational
5 plans require contingencies.

6 **MR. ERIC BROUSSEAU:** Okay. I want to take you
7 now to Superintendent Earley's notes, scribe notes. I believe
8 OPP00004543, if we can go to page 8? Again, these are her
9 scribe notes. You're not part of this call, but I want to ask
10 you ---

11 **COMM. THOMAS CARRIQUE:** Yes.

12 **MR. ERIC BROUSSEAU:** --- about what is
13 transcribed. It's a call, again, the morning of February 10th,
14 8:30 a.m., with Deputy Commissioners Harkins and diMarco. And
15 Deputy -- so this is what's recorded,

16 "Deputies advised whatever is needed
17 for plan will be available"

18 **COMM. THOMAS CARRIQUE:** M'hm.

19 **MR. ERIC BROUSSEAU:** And you go down a little bit
20 more,

21 "Harkins advised there is an urgency to
22 get this resolved"

23 Had you communicated to Deputy Commissioners
24 Harkins and DiMarco that there was an urgency to getting Windsor
25 resolved?

26 **COMM. THOMAS CARRIQUE:** I wouldn't have
27 necessarily used that terminology, but I think it was well known
28 and agreed upon and certainly my intent that there was some

1 urgency to get this resolved. We needed to be able to minimize
2 the number of protests that were going along -- going on around
3 the province simultaneously. We've already discussed the impact
4 that the Ambassador Bridge had, as well as we needed to be able
5 to deal with what was going on in Ottawa at the time. So
6 absolutely, I would agree that there was some urgency to this.

7 The longer it was left, the harder it would be to
8 resolve. We were at risk of people moving from Ottawa, which
9 was some of the information that we were managing at the time,
10 that people that were actively protesting in Ottawa would be
11 making their way to Windsor. We know that's a day's worth of
12 travel. So the quicker we could resolve Windsor, we also
13 mitigated that risk of a protest just dispersing itself as
14 opposed to us being able to resolve those matters.

15 **MR. ERIC BROUSSEAU:** Okay. Now I understand on
16 this day as well, February 10th, Superintendent Earley actually
17 sort of established a call for joint command with WPS; is that
18 correct?

19 **COMM. THOMAS CARRIQUE:** It appears to be correct,
20 yes. I do see that, yes.

21 **MR. ERIC BROUSSEAU:** Okay. And can you explain
22 for us the concept of joint command and why it's so important in
23 a situation like this?

24 **COMM. THOMAS CARRIQUE:** Yeah, so joint command
25 isn't necessarily a technical term. So a lot of times, we'll
26 refer to an integrated command or a unified command. And again,
27 those aren't defined in law or nor are they necessarily defined
28 in procedure, but an integrated command is one where one police

1 service provides the other police service with a level of
2 subject matter expertise within the command structure to assist
3 them with developing and executing an operational plan. Overall
4 command and control remains the purview of the police service of
5 jurisdiction. So they have final say on the plan. A unified
6 command indicates that it is just that, that the decision making
7 is equally shared amongst the participating police services.

8 **MR. ERIC BROUSSEAU:** Okay. And what was the
9 status of joint or integrated or unified command in Ottawa at
10 this time on February 10th?

11 **COMM. THOMAS CARRIQUE:** On February the 10th, I
12 would say we had not arrived at the point of a unified command.
13 We had introduced the Integrated Planning Team, but I would say
14 that there was not even an integrated command at that point in
15 time. The plans were still being developed. There was an
16 operational plan, or what I've heard referred to as a concept of
17 operations, I believe, that was established on February the 9th.
18 That was provided to the Integrated Planning Team, which they
19 built upon, and they had submitted their inputs to that to
20 Ottawa on or about the 11th of February. And then I believe by
21 the 13th of February, that integrated team had come to agreement
22 that that was the plan that would move forward. There was some
23 obstacles from the 13th through to the 15th with operationalizing
24 that, but that was the sequence of events.

25 **MR. ERIC BROUSSEAU:** Okay. And we'll get into
26 those obstacles. But in Windsor, on the 11th, this idea of a
27 letter to the protesters comes about. Can you speak to us about
28 that?

1 **COMM. THOMAS CARRIQUE:** Yes, in general terms I
2 can. More specific evidence would probably be best to come from
3 Provincial Liaison Team Inspector Beaudin, but certainly it was
4 brought to my attention as a proposed strategy through Deputy
5 Commissioner Rose DiMarco, who ultimately oversees the
6 Provincial Liaison Team, as a way of deescalating the activities
7 that were going on in Windsor. I supported the idea. I thought
8 it was appropriate, and it was certainly worth the effort of
9 trying to deescalate those activities.

10 **MR. ERIC BROUSSEAU:** Okay. And did you
11 understand that there was the POU plan, or a sort of plan to
12 clear the blockades that was ready at that time as well?

13 **COMM. THOMAS CARRIQUE:** Whether it was ready or
14 still in development, I certainly knew that we were working
15 towards that with the intention of activating that plan on the
16 12th, so thank you.

17 **MR. ERIC BROUSSEAU:** And were you the sort of
18 point of contact with the government in getting their sign off
19 on agreeing to the letter and agreeing to this proposal in
20 general?

21 **COMM. THOMAS CARRIQUE:** Point of contact is
22 probably a fair description. There's many people that assist
23 with the administration and the flow of information, but
24 essentially, the request would have been made at my direction,
25 with my support, with my endorsement, absolutely.

26 **MR. ERIC BROUSSEAU:** Okay. And just so I
27 understand, when you said the request, the request of government
28 to sign off -- of the provincial government to sign off on this

1 idea?

2 **COMM. THOMAS CARRIQUE:** The request of the
3 Solicitor General to sign the letter extending the invitation
4 for further discussion or a meeting if the blockage -- blockade
5 was to end immediately.

6 **MR. ERIC BROUSSEAU:** Right. And did you
7 personally make that request through the Deputy Solicitor
8 General, for instance?

9 **COMM. THOMAS CARRIQUE:** Ultimately, yes, it's my
10 request, yes. I can't say whether I personally emailed the
11 request, but ultimately, that is my request, yes.

12 **MR. ERIC BROUSSEAU:** Okay. If we could pull up
13 that letter, it's ONT00000858.

14 I believe this is the letter, if you can just --
15 if you could confirm?

16 **COMM. THOMAS CARRIQUE:** Yes, I recognize that
17 letter, yes.

18 **MR. ERIC BROUSSEAU:** So why was -- who made the
19 decision to have it be directed towards you as opposed to
20 directed to the protesters, for instance?

21 **COMM. THOMAS CARRIQUE:** Ultimately, that would be
22 my decision.

23 **MR. ERIC BROUSSEAU:** Okay. And so why did you
24 ask that it be addressed to you?

25 **COMM. THOMAS CARRIQUE:** Well, we were presenting
26 that on behalf of PLT, and it would be important, I think, for
27 PLT to be able to speak with some sense of authority, that they
28 are carrying the message that was relayed to me, and it created

1 that appropriate separation between the Minister and the
2 protesters and allowed PLT to have that empowerment. PLT needs
3 to be able to build rapport, establish a relationship, be able
4 to create win-win situations to try to deescalate the situation.
5 That's, I think, in part why it would be most appropriate to
6 come from me. That was the request that I received. More
7 detail on that and the philosophy and the theory behind that PLT
8 would be much better -- in a much better position to describe in
9 more detail, but certainly my understanding.

10 **MR. ERIC BROUSSEAU:** Okay. Now, this is February
11 11th, it's the same day of the provincial Declaration of
12 Emergency; correct?

13 **COMM. THOMAS CARRIQUE:** It would have been, yes.

14 **MR. ERIC BROUSSEAU:** And are you aware there was
15 also an injunction that went into effect that evening as well?

16 **COMM. THOMAS CARRIQUE:** I would have been aware.
17 I can't say at what time I became aware, but I certainly am
18 aware and was aware at some point in time of that, yes,
19 absolutely.

20 **MR. ERIC BROUSSEAU:** Okay. So can you just sort
21 of speak to -- you've got this letter from the Solicitor-
22 General, you've got the injunction which has gone into effect, I
23 think at 7:00pm that evening, and the provincial Declaration of
24 Emergency; how did those three interact together and which of
25 them, if any, did you believe were the most effective in that
26 circumstance?

27 **COMM. THOMAS CARRIQUE:** Well, the letter proved
28 not to be effective; it did not have the desired outcome. The

1 injunction -- I can't say that that was effective because we
2 still ended up moving forward with deploying Public Order;
3 certainly a helpful tool, but I can't say that any of those were
4 effective in isolation.

5 But what was effective was a holistic, complete
6 plan to deal with the situation, and the Incident Commander
7 having the discretion as to when they would execute that plan.

8 **MR. ERIC BROUSSEAU:** Okay. The described notes
9 for Supt. Earley, we won't go there, but they record some
10 concern that delivering the letter or taking action in Windsor
11 would have an effect on what was going on in Ottawa. Do you
12 recall that concern being raised in any of the calls on the 11th?

13 **COMM. THOMAS CARRIQUE:** I can't say I
14 independently remember that specifically being brought forward.
15 But as I've shared with you earlier, these are all intertwined
16 and connected and you can't make a move at one location without
17 it impacting and affecting the other, so that's exactly the type
18 of thought process and discussion that ought to have taken
19 place. These are not isolated incidents.

20 **MR. ERIC BROUSSEAU:** Okay. Did you see -- did
21 the OPP see any effects of taking action in Windsor on the 12th
22 and 13th on what happened in Ottawa or elsewhere?

23 **COMM. THOMAS CARRIQUE:** I don't have that level
24 of detail; I can't say that I personally noted anything. I
25 don't think I can answer that question, honestly.

26 **MR. ERIC BROUSSEAU:** Okay. And so -- did you
27 participate in the drafting of this letter with the Deputy
28 Solicitor-General's Office?

1 **COMM. THOMAS CARRIQUE:** I approved this letter.
2 So we provided -- PLT provided the recommended wording in the
3 letter. This was a request by us to the Solicitor-General to
4 assist in trying to de-escalate the situation. This was driven
5 and borne from our Provincial Liaison Team, but this was not
6 something that independently came out of the Minister's Office.
7 This was a request that we made of the Minister, and was
8 granted.

9 **MR. ERIC BROUSSEAU:** Okay. Was there a similar
10 -- was any similar requests made to have a letter delivered to
11 the protesters in Ottawa, for instance?

12 **COMM. THOMAS CARRIQUE:** I can't speak with great
13 knowledge on that. I know that there was discussion; I know
14 Insp. Beaudin, who's already provided evidence, I know he had
15 discussion with Ottawa Police; he had discussion with Deputy
16 Minister Stewart. There was discussion around it. The details
17 of that discussion, he is in the best position to provide you
18 with a firsthand account of that.

19 I also know that there was communication that
20 took place between the Mayor in Ottawa and protest organizers,
21 or those that were identified as such. But I don't know that I
22 can say with any level of knowledge what letters may have been
23 provided. But there was certainly dialogue, and I believe that
24 one point in time they had agreement for partial components of
25 the demonstration to move, which would have moved them into OPP
26 jurisdiction but cleared up some of the area of concern in
27 Ottawa, and that did not come to be either.

28 **MR. ERIC BROUSSEAU:** Right. But I guess what I'm

1 trying to understand is why this letter came about as a result
2 of, as you say, an OPP request, essentially, that it be
3 delivered?

4 **COMM. THOMAS CARRIQUE:** Sorry; I don't understand
5 your question.

6 **MR. ERIC BROUSSEAU:** This letter was the result
7 of a request to the Deputy Solicitor-General's office; correct?

8 **COMM. THOMAS CARRIQUE:** So it was the result of a
9 request to me.

10 **MR. ERIC BROUSSEAU:** Right.

11 **COMM. THOMAS CARRIQUE:** Yes.

12 **MR. ERIC BROUSSEAU:** Which you passed along to
13 the Deputy Solicitor-General's office?

14 **COMM. THOMAS CARRIQUE:** Correct. I did, yes.

15 **MR. ERIC BROUSSEAU:** And so -- and this letter is
16 drafted four days after the blockade starts in Windsor?

17 **COMM. THOMAS CARRIQUE:** Yes.

18 **MR. ERIC BROUSSEAU:** And so -- but by the 11th
19 it's two weeks into what's happening in Ottawa, and there wasn't
20 a similar request for a letter in Ottawa. That's what I'm
21 trying to understand; why not?

22 **COMM. THOMAS CARRIQUE:** That's a question you
23 would have to ask of Ottawa Police, that's not a question that I
24 can answer. We were not at -- we were not in charge of the
25 operation in Ottawa. One of the slight differences with
26 Windsor, we did agree to assist but it was with a clear
27 understanding that although it was a unified command, that we
28 would be in charge of the development and execution of the plan.

1 **MR. ERIC BROUSSEAU:** Okay. And why was that
2 important to you?

3 **COMM. THOMAS CARRIQUE:** That was important to me,
4 given the situation that we found ourselves in. With all of the
5 activity taking place, I felt it was absolutely crucial that we
6 maintain the trust and confidence of Ontarians, and that we
7 absolutely needed to succeed with the development and the
8 efficient and effective execution of a plan, and I felt that we
9 were in the best position to take responsibility for that.

10 Not to push Windsor Police aside; it was
11 something that they would have to agree to. But that was
12 something that I had requested of Deputy Commissioner Chris
13 Harkins, and his initial discussions with the Deputy from
14 Windsor, and it was something that was agreed to. So our Major
15 Critical Incident Commander was ultimately responsible for that
16 operation, which is why this request would come to me.

17 We were never ultimately responsible for the
18 operations in Ottawa up to this date; therefore, I can't speak
19 to why a request would not have come to me, of this nature. Did
20 provide access to Insp. Beaudin on multiple and numerous
21 occasions, to provide advice and guidance as it relates to PLT
22 strategies. But why I did not receive a similar request, you'll
23 have to ask that of the Ottawa Police, I'm sorry.

24 **MR. ERIC BROUSSEAU:** Okay. You mentioned there
25 that -- again, I'm paraphrasing, but you felt that public trust
26 in the police couldn't suffer another blow, essentially. Is
27 that -- when you say that, you're referring to the fact that the
28 situation in Ottawa is entrenched and it's not being resolved by

1 police action at that point in time; is that fair?

2 **COMM. THOMAS CARRIQUE:** That is fair to say.

3 There was all sorts of public and political attention on what
4 was happening in Ottawa Police -- in Ottawa, sorry, and with the
5 Ottawa Police and there was all sorts of public comment. This
6 was an opportunity to work in a coordinated and collective way
7 to resolve the matter and to ensure that public trust and
8 confidence in their police was maintained.

9 And then from Windsor, we looked forward to doing
10 the same in Ottawa, which was ultimately accomplished.

11 **MR. ERIC BROUSSEAU:** Okay. Now, I understand
12 that the Saturday, February 12th was one of the busier days for
13 the OPP in terms of responding to protests; is that accurate?

14 **COMM. THOMAS CARRIQUE:** It was. I believe we had
15 approximately 20 protests that we responded to around the
16 province, and without referring to records but going by memory,
17 I believe during the whole duration of what we would define as
18 the Freedom Convoy, we responded to 137, approximately, of
19 demonstrations or protests across the province.

20 **MR. ERIC BROUSSEAU:** Okay. And so on the 12th,
21 one of the busier days, were there places or protests, or
22 requests for assistance that the OPP just couldn't fulfill?

23 **COMM. THOMAS CARRIQUE:** Not to my knowledge, no.

24 **MR. ERIC BROUSSEAU:** Okay.

25 **COMM. THOMAS CARRIQUE:** And it's -- you know,
26 it's important, I think, to speak about the amount of
27 integration and cooperation that was happening at this time.
28 There's been reference to the calls that included the Police

1 Chiefs of all of the affected jurisdictions, included Canadian
2 Border Services Agency, included the RCMP. So at this stage in
3 activity everybody is pitching in, leaning in, propping each
4 other up, all of the resources are coordinated. By the 8th of
5 February, we have what we called the Public Order Hub officially
6 established. They are making decisions on where Public Order
7 assets need to be when, and what amounts, and when they can
8 move. So this is a very coordinated integrated effort that I
9 think policing across the province deserves to get some credit
10 for the coordination at this stage of the events and activities.

11 **MR. ERIC BROUSSEAU:** Okay. Now, going back to
12 Ottawa, the Integrated Plan Group starts its work on the 8th or
13 the 9th, but there isn't a sort of fully developed plan until the
14 13th, fully developed and signed off on. So why is that?

15 **COMM. THOMAS CARRIQUE:** Well, you know, that
16 direct evidence is best to come from those that were actively
17 participating in the development and the approval of the plan.
18 Anything I can share with you is from my arm's length viewpoint
19 and is hearsay. And I think you've already heard from C/Supt.
20 Carson Pardy, you've heard from Supt. Bernier, you've heard from
21 a number of witnesses that I think have been able to provide you
22 with their detailed account of those events.

23 **MR. ERIC BROUSSEAU:** Did you receive and review
24 and sign off on a copy of the Integrated Plan?

25 **COMM. THOMAS CARRIQUE:** No, I did not. I
26 participated in a meeting where I was connected by phone. I
27 believe there was a PowerPoint presentation of an overview of
28 the plan delivered in Ottawa. There was members from RCMP in

1 that meeting. I listened in on the briefing. I did not see,
2 nor did I approve the plan, nor would I be expected to. We had
3 a Chief Superintendent there that was given the autonomy and the
4 responsibility for the development of that plan in an integrated
5 format. That's not something, as the Commissioner of the
6 Ontario Provincial Police, I would be involved in.

7 **MR. ERIC BROUSSEAU:** And so it would -- it was up
8 to C/Supt. Pardy? He would have had final kind of approval on
9 it without the need to escalate it any higher?

10 **COMM. THOMAS CARRIQUE:** Absolutely. Whether he
11 chose to escalate that higher to his Deputy Commissioner, that
12 would be his choice. But he had full authority and autonomy to
13 approve any plan that was binding the Ontario Provincial Police.
14 He certainly kept up informed and updated and made us aware of
15 the intentions of the plan, but that was his responsibility that
16 he fulfilled exceptionally well.

17 **MR. ERIC BROUSSEAU:** Okay. Now, we heard
18 evidence on Tuesday from Insp. -- Acting Supt. Beaudin about
19 this proposal from Deputy Minister Stewart in which Commission
20 Lucki was involved as well. So I appreciate you weren't
21 involved in the back and forth, but I want to ask you what you
22 knew about it and sort of what you reported to the Deputy
23 Solicitor General's Office about it?

24 **COMM. THOMAS CARRIQUE:** Yeah, so as you've
25 indicated, certainly aware of it, endorsed it, approved it, in
26 terms of Insp. Beaudin having those conversations, and
27 determining whether there was a de-escalation tactic that could
28 be used through encouraging a meeting, encouraging

1 correspondence, whatever that would look like. And of course, I
2 absolutely would make the Deputy Solicitor General aware of
3 that. If I am granting permission or supporting one of my
4 members to meet with a federal Deputy Minister, my provincial
5 Deputy Minister needs to be aware of that.

6 **MR. ERIC BROUSSEAU:** Okay. And what was the
7 provincial Deputy Solicitor General's view on it?

8 **COMM. THOMAS CARRIQUE:** I can't share with you
9 what his view on it was. I certainly don't recall him
10 expressing any concern. Would have been, "Thank you for the
11 update." I can't specifically say. you're best to ask his
12 viewpoints of him, I think, with all due respect.

13 **MR. ERIC BROUSSEAU:** And sorry, when I asked for
14 his view, I just mean as it was communicated to you, obviously.
15 Was he -- he was supportive of it, as far as you understood?

16 **COMM. THOMAS CARRIQUE:** I can't say that he was
17 supportive. He certainly was aware. He didn't express any
18 concerns to me. it wasn't something that I was seeking
19 permission on. This was an operational activity, but out of
20 respect for the Deputy and his position, and ensuring that he
21 has the appropriate level of situational awareness, it was
22 something that I felt he needed to know.

23 **MR. ERIC BROUSSEAU:** Okay. I want to take you to
24 OPP00001585, which is an email thread about lining up tow
25 trucks. You had stated, February 13th, if we can go down to page
26 3, when we pull it up.

27 So I believe you're -- I'm not sure if you're on
28 this initial chain, but it's ultimately forwarded to you.

1 **COMM. THOMAS CARRIQUE:** Yes, there's a lot of
2 activity in and around the coordination of heavy tow trucks at
3 this point in time. There was a lot of challenges with
4 identifying the number of tow trucks that were available, those
5 that would willingly provide those services, those that were
6 looking to be compelled or indemnified. There was a lot of work
7 that went into the administration of this, yes.

8 **MR. ERIC BROUSSEAU:** And sorry, even prior to the
9 invocation of the *Emergencies Act*, there were tow trucks and
10 towing companies looking to be compelled?

11 **COMM. THOMAS CARRIQUE:** Not looking to -- well, I
12 shouldn't say not looking to be compelled. My understanding was
13 that there were some of them that were reluctant. There may
14 have been some that were refusing to assist, but there had been
15 some identified that were willing to assist. There were
16 concerns that they may back out at the last minute, which
17 prevent -- or presented a risk to moving forward with the plan.

18 The biggest concern was around indemnification.
19 So one tow company in particular was seeking indemnification,
20 which is not something that we would normally provide. And we
21 were trying to determine the best way forward through the
22 Province, and how, if -- and if so, how we could provide some
23 indemnification.

24 **MR. ERIC BROUSSEAU:** Okay. And where -- you're
25 talking about prior to the invocation of the Act? Is that ---

26 **COMM. THOMAS CARRIQUE:** That's correct. This is
27 all happening simultaneously.

28 And as you can appreciate, we are not paying any

1 attention to the invocation of the *Emergencies Act*. There was
2 no pre-warning to me. There was no heads up. There was no
3 consultation. Learned of it as it was happening, and we are
4 adjusting in real time. So this is work that is taking place
5 concurrently. So it's not as easy as stopping and starting with
6 a demarcation point.

7 **MR. ERIC BROUSSEAU:** Right. And so I was going
8 to ask you, after the reference in the February 5th text message
9 exchange with Commissioner Lucki, had you heard anything about
10 the possibility that the Act would be invoked or was it, as you
11 say, sort of a surprise?

12 **COMM. THOMAS CARRIQUE:** I don't know that I'd
13 categorize it as a surprise, it was just something that was not
14 known to me, nor was it something that I had turned my mind
15 towards. It had nothing to do with the Ontario Provincial
16 Police. It was something that the Federal Government chose to
17 do. I wouldn't -- yeah, I wouldn't have necessarily expected
18 that I would get a heads up, but it was not something that I had
19 at forefront of mind, nor did we ever contemplate if it
20 happened, how would this impact us.

21 **MR. ERIC BROUSSEAU:** Okay. So I want to go back
22 to sort of February 15th, ---

23 **COMM. THOMAS CARRIQUE:** M'hm.

24 **MR. ERIC BROUSSEAU:** --- which is the day on
25 which former Chief Sloly resigned.

26 You had two calls with Commissioner Lucki and
27 other members of the OPS on that day? Is that correct?

28 **COMM. THOMAS CARRIQUE:** That is correct. Yes.

1 Yes. One was with RCMP and OPP and then the subsequent one
2 included Ottawa Police. So it was the difference in those two
3 meetings, yes.

4 **MR. ERIC BROUSSEAU:** And the first one, which was
5 just RCMP and OPP, was prior to Chief Sloly's resignation?

6 **COMM. THOMAS CARRIQUE:** That is correct, yes.

7 **MR. ERIC BROUSSEAU:** Okay. So I want to take you
8 to the minutes of that call, which is OPP00000787.

9 Just while that's getting pulled up, you referred
10 earlier to sort of a plan being ready by February 13th, but not
11 being operationalized by the 15th.

12 To your understanding, what was the delay? What
13 was the problem?

14 **COMM. THOMAS CARRIQUE:** So what became
15 increasingly known, or reported, was that there was confusion
16 over whether the plan had been approved or not, who was required
17 to approve the plan. And that was creating a delay and actually
18 operationalizing all components of that plan.

19 **MR. ERIC BROUSSEAU:** Okay. And we can kind of
20 scroll through these minutes, but I want to -- I want you to
21 tell us what was discussed on this first call, if it was just
22 RCMP and OPP.

23 **COMM. THOMAS CARRIQUE:** It was the concerns over
24 being able to move the plan forward, the perception that that
25 plan needed to be approved by the Chief of Police and if not the
26 Chief of Police, then by the Chief's counsel. And there was
27 confusion within, it appeared, OPS, certainly within OPP and
28 RCMP in relation to that. So the discussion was in relation to

1 that confusion.

2 Certainly on the 13th, the email is clear from
3 Chief Sloly, which I thanked him for. I was under the
4 understanding that the plan was ready to be operationalized and,
5 as we move towards the 15th, we're now in a position where we
6 appear to have challenges that are preventing that integrated
7 plan from being realized.

8 **MR. ERIC BROUSSEAU:** Okay. And what was -- and
9 to your recollection, we can go through the minutes, but was the
10 solution that you and Commissioner Lucki were -- how were you
11 going to deal with this decision?

12 **COMM. THOMAS CARRIQUE:** Yeah. So we got to the
13 point where I was going to speak to Chief Sloly post the Police
14 Services Board meeting, so I knew that he was tied up in a
15 Police Services Board meeting. We had offered or agreed to lend
16 the support of Superintendent Morris to assist him in
17 communicating with the Board as well as Chief Superintendent
18 Carson Pardy was supposed to attend that Police Service Board
19 meeting.

20 So I had undertaken the task of speaking with
21 Chief Sloly when he was free to ask if he would consider if he
22 needed or was willing to allow us to assume command and control
23 if we were not able to move the plan forward had we got to that
24 point that there were enough barriers in place that the plan was
25 not going to move forward. And I was planning on having that
26 conversation with Chief Sloly.

27 **MR. ERIC BROUSSEAU:** Okay. You told us, as we
28 saw the text message from Commissioner Lucki previously, where

1 she was relaying that the Government of Canada had lost
2 confidence in the OPS by February 5th.

3 By February 15th, had you lost confidence in the
4 OPS's ability to manage the situation?

5 **COMM. THOMAS CARRIQUE:** "Lost confidence" is a
6 harsh and strong way of putting it.

7 This is a police service that is in a very
8 unenviable position, is struggling to move forward with an
9 operational plan. My job was to support them, provide whatever
10 assistance was required to see that plan succeed, and to have
11 that further dialogue with Chief Sloly to determine whether he
12 felt that could be done under the current command structure or
13 whether us taking command and control of that incident, allowing
14 them to focus and he to focus on the policing responsibilities
15 for the entire rest of the city, may be a resolution to that.

16 Subject to the outcome of that phone call, I
17 would have then had to make a determination as to whether I had
18 confidence or did not and whether I escalated that to the
19 Ministry. But at that point, I needed to have that conversation
20 with Chief Sloly.

21 All of the information that we were receiving
22 about the obstacles and challenges that were not firsthand, I
23 owed it to him to have that conversation and to offer our
24 support. As you are well aware, he's able to make the request
25 of the OPP legitimately through the *Police Services Act* for that
26 assistance.

27 **MR. ERIC BROUSSEAU:** Did you feel that it was
28 time for that request, that the OPP be asked formally to step

1 in?

2 **COMM. THOMAS CARRIQUE:** Yes. Based on what we
3 were hearing in that meeting and all of the events that had
4 taken place or had been reported to take place up to that point
5 in time, I felt that we were at that point that I ought to be
6 offering that assistance in making sure that he was aware that
7 if that was what he wanted, we were willing and able to take
8 that on.

9 **MR. ERIC BROUSSEAU:** Okay. But isn't -- I'm just
10 trying to understand. Isn't that another way of saying you had
11 lost confidence in the OPS's ability? You wanted to be asked to
12 step in and take over.

13 **COMM. THOMAS CARRIQUE:** It may be semantics.
14 They needed -- they needed our assistance at that point in time.
15 There was no question about it. They absolutely, in my opinion,
16 needed our assistance to succeed.

17 If you want to describe that as lost confidence,
18 I certainly wouldn't describe it as that way. In need of our
19 assistance, was our assistance required to succeed, depending
20 the response to that request, that may further clarify whether I
21 was in a position to say I had lost confidence.

22 This was a police service and a police leader
23 that was in need of assistance and we were able to provide that
24 assistance, willing to provide that assistance. If that
25 assistance was not received, then I may have been in a point
26 where now I've lost confidence and would have to escalate that
27 for further consideration.

28 **MR. ERIC BROUSSEAU:** And you say if that

1 assistance was not sort of received. I take it you mean sort of
2 willingly welcomed.

3 **COMM. THOMAS CARRIQUE:** Yeah. I'm -- yes,
4 absolutely.

5 I'm not in a position to say I'm coming in and
6 taking over. I don't have that authority or that ability. That
7 is not the role of the Commissioner of the OPP.

8 So the appropriate, the lawful, the professional
9 next step was to have that conversation and then to be able to
10 make that determination.

11 Were we going to be able to move this forward in
12 a collaborative way by taking the lead? Was it actually
13 necessary? Maybe Chief Sloly had other information that would
14 cause me to reconsider where I was at at that point in time.
15 But that's where I was at.

16 I was at that juncture that had we not been asked
17 to assume command and control of this operation that I would
18 have felt obligated to make that known to the Minister for
19 consideration to be known to the Ontario Civilian Police
20 Commission.

21 **MR. ERIC BROUSSEAU:** Okay. You never had
22 occasion to have that conversation with Chief Sloly; correct?

23 **COMM. THOMAS CARRIQUE:** I did not, no.

24 **MR. ERIC BROUSSEAU:** He resigned some time after
25 or maybe even during this call. Is that -- is that accurate?

26 **COMM. THOMAS CARRIQUE:** Yeah. Some time between
27 us having this call and plans to seek a meeting with Chief
28 Sloly.

1 **MR. ERIC BROUSSEAU:** Okay. And then you had a
2 follow-up call with Commissioner Lucki and this time with
3 members of the OPS as well.

4 **COMM. THOMAS CARRIQUE:** Correct, yes.

5 **MR. ERIC BROUSSEAU:** And if I could get OPP
6 00000788. I think these are the minutes from that second call
7 on that day.

8 While they're being brought up, can you tell us
9 about what -- what was discussed during that call?

10 **COMM. THOMAS CARRIQUE:** It was confirming that we
11 were in a position to operationalize the February 13th plan.
12 There were no obstacles standing in our way. There was a
13 clearly articulated and described command structure. There are
14 various forms of describing Incident Command, so we wanted to
15 make sure there was a clear understanding, so we diverted to a
16 model most commonly known to the RCMP, gold, silver, bronze, and
17 at that point came to agreement that it would be an absolute
18 unified command and that we would be sending Deputy Commissioner
19 Chris Harkins and the RCMP would be sending Deputy Commissioner
20 Mike Duheme to represent our services on the gold level, which
21 was on the same level as the Chief of Ottawa.

22 **MR. ERIC BROUSSEAU:** Okay. And had you not had
23 success in achieving unified command until this call with then
24 Interim Chief Steve Bell?

25 Like you just described that, okay, we're going
26 to have unified command. We've got this plan and we are going
27 to action it.

28 What had been the impediment to doing that on the

1 14th or on the 13th when the plan was completed?

2 **COMM. THOMAS CARRIQUE:** I think Ottawa Police
3 Service is in the best position to answer that. You know, not
4 having had the opportunity to have that conversation with Chief
5 Sloly, I can't say that I'm in a position to sit in judgment as
6 to specifically what prevented that plan from moving forward
7 from the 13th to the 15th.

8 You're going to have to discern that from the
9 evidence provided by Ottawa Police and your discussion with
10 Chief Sloly, but I had yet to have that conversation with Chief
11 Sloly.

12 **MR. ERIC BROUSSEAU:** Okay. But the result of
13 this second conversation -- the resignation and the second
14 conversation and the plan for unified command was that you no
15 longer had concerns to escalate to the Deputy Solicitor-General.
16 Is that correct?

17 **COMM. THOMAS CARRIQUE:** That is correct.

18 **MR. ERIC BROUSSEAU:** Okay. And did you -- on the
19 15th, before, between, or after these calls, did you speak to
20 the Deputy Solicitor General about what had transpired?

21 **COMM. THOMAS CARRIQUE:** On the 15th, yeah, I
22 can't say exactly at what time, but we did have communication
23 throughout the day, and certainly by the time we had concluded
24 things he was well aware of the way forward.

25 There -- I did have some concerns over the
26 resignation of Chief Sloly, and what the Board would be doing
27 for an interim chief. My concern was that if an interim chief
28 was appointed that was unfamiliar with all of the work that had

1 been done, and we were in a position that we had to start from
2 ground zero and do a briefing and seek commitment and agreement,
3 that was a concern of mine.

4 And I did have that conversation with the Deputy
5 Solicitor General just to make him aware that I was concerned as
6 to how the Police Service Board would choose to move forward.
7 And again, that was for his situational awareness. As it turned
8 out, somebody from within the Police Service assumed that
9 position, so we did not have to start from ground zero.

10 **MR. ERIC BROUSSEAU:** Was your concern because you
11 had heard that there was going to be an external interim chief?

12 **COMM. THOMAS CARRIQUE:** That's correct, yes.

13 **MR. ERIC BROUSSEAU:** Okay. And you relayed that
14 to the Deputy Solicitor General?

15 **COMM. THOMAS CARRIQUE:** At some point in time
16 throughout the day we had that conversation, yes. And not
17 concerned in terms of the Board exercising its authority, but it
18 would need to be clearly defined in that if somebody new was
19 being introduced to the relationship it would have to be
20 exclusive to the day-to-day Operations of the Ottawa Police
21 Service outside of this event. We needed to be able to move
22 forward seamlessly with this plan without having to start from
23 the beginning.

24 **MR. ERIC BROUSSEAU:** And did you specifically
25 mention Steve Bell as an appropriate interim chief or did you
26 just ---

27 **COMM. THOMAS CARRIQUE:** No.

28 **MR. ERIC BROUSSEAU:** --- relay the concern?

1 **COMM. THOMAS CARRIQUE:** No, I just relayed the
2 concern. In the event that the Ministry was going to be
3 providing any advice there are policing advisers that advise
4 Police Services Boards, so should that discussion be taking
5 place, I thought it was appropriate that my concerns be relayed
6 in the event that that would have any impact on decisions that
7 would be made by the Police Services Board. But at no point in
8 time did I recommend anyone or oppose anyone for that position.
9 It was not about the individuals.

10 **MR. ERIC BROUSSEAU:** Okay, thank you.

11 Commissioner, I see we're at one o'clock, and now
12 would be -- I'm about to change gears, so now's a perfect time.

13 **COMMISSIONER ROULEAU:** Okay. So this is time for
14 our lunchbreak, so we'll take an hour and come back in an hour
15 to continue. Thank you.

16 **THE REGISTRAR:** The Commission is in recess for
17 one hour. La Commission est levée pour une heure.

18 --- Upon recessing at 1:00 p.m.

19 --- Upon resuming at 1:59 p.m.

20 **THE REGISTRAR:** Order. À l'ordre. The
21 Commission is reconvened. La Commission as reprend.

22 --- **COMM. THOMAS CARRIQUE, Resumed:**

23 **COMMISSIONER ROULEAU:** Okay, are you prepared to
24 go on?

25 **COMM. THOMAS CARRIQUE:** I am. Thank you,
26 Commissioner.

27 **COMMISSIONER ROULEAU:** Okay. Go ahead.

28 **MR. ERIC BROUSSEAU:** Good afternoon,

1 Commissioner. We have about 20 minutes and then we'll be open
2 to the other parties.

3 **--- EXAMINATION IN-CHIEF BY MR. ERIC BROUSSEAU (Cont'd):**

4 **MR. ERIC BROUSSEAU:** I just want to pick up on
5 something that you mentioned before the lunchbreak. I think you
6 referred to a public -- in talking about national security, you
7 referred to a Public Safety Canada definition of national
8 security, which you've distinguished from the sort of *CSIS Act*
9 definition of national security. Do you remember that?

10 **COMM. THOMAS CARRIQUE:** Yes. I don't think I
11 called it a definition. It's in reference. When they reference
12 national security. I'm not familiar with an actual definition
13 as it relates to Public Safety Canada, and of course, the *CSIS*
14 *Act* refers to the security of Canada.

15 But in the context of speaking to national
16 security, there are many components that Public Safety Canada
17 referred to, and referred to it as a multi-faceted approach that
18 is required across various programs, initiatives, and
19 considerations.

20 **MR. ERIC BROUSSEAU:** Okay. And when you say
21 Public Safety Canada, are you talking about your dealings with
22 Public Safety Canada, like their website? I guess I'm trying to
23 understand where this arises.

24 **COMM. THOMAS CARRIQUE:** Well, there's all sorts
25 of materials on Public Safety website for anyone who is --
26 Public Safety Canada website for anyone who is interested.
27 There is various Acts. There has been reviews of the *CSIS Act*.
28 There is all sorts of material that references and

1 responsibilities in reference to national security.

2 **MR. ERIC BROUSSEAU:** Okay. Is there anything
3 that -- non-public about what you're referring to, or is it just
4 Public Safety Canada material?

5 **COMM. THOMAS CARRIQUE:** This is Public Safety
6 Canada material. I cannot point you to a specific document.
7 There's certainly lots of reference to it in the various
8 materials, and that is my understanding.

9 **MR. ERIC BROUSSEAU:** Okay, thank you. I'm not
10 going to pull up the document, but there's -- the Commission has
11 seen an email from Commissioner Lucki to Mike Jones the evening
12 of February 13th, and I want to read the -- what
13 Commissioner Lucki wrote and ask you if you agree with it.

14 She wrote:

15 "This said, I am of the view that we
16 have not yet exhausted all available
17 tools that are already available
18 through the existing legislation.
19 There are instances where charges could
20 be laid under existing authorities for
21 various *Criminal Code* offences
22 occurring right now in the context of
23 the protest. The *Ontario Provincial*
24 *Emergencies Act* just enacted will also
25 help in providing additional deterrent
26 tools to our existing toolbox." (As
27 read)

28 Do you agree with this sentiment that

1 Commissioner Lucki expressed there?

2 **COMM. THOMAS CARRIQUE:** Sorry, what was the date
3 on that?

4 **MR. ERIC BROUSSEAU:** February 13th. The...

5 **COMM. THOMAS CARRIQUE:** Yes.

6 **MR. ERIC BROUSSEAU:** Evening of February 13th?

7 **COMM. THOMAS CARRIQUE:** Yes, I would agree with
8 that sentiment, yes.

9 **MR. ERIC BROUSSEAU:** If we could pull up
10 OPP00001580, please? This is an email that you wrote to Deputy
11 Solicitor General Di Tommaso on February 16th.

12 **COMM. THOMAS CARRIQUE:** Yes.

13 **MR. ERIC BROUSSEAU:** And the second paragraph,
14 "A good portion of the demonstrators
15 don't care about being charged
16 criminally, or they would have left
17 already; however, if they live in
18 Ontario, they will care about losing
19 their vehicle insurance and/or
20 license."

21 Can you explain that view to us and how and why
22 you formed that view?

23 **COMM. THOMAS CARRIQUE:** Yes, absolutely. In
24 reference to trying to deescalate the situation, not only in
25 Ottawa but elsewhere around the province, this had been going on
26 for a considerable amount of time, and those that felt at
27 jeopardy to be charged criminally, I feel, would have left
28 through negotiations or discussions with PLT. And having the

1 additional tools in the emergency EMCPA of the province provided
2 encouragement for those to discontinue their illegal activities,
3 as was borne out on Highway 402. And this was in relation to
4 public messaging that was going to be distributed through PLT on
5 Ottawa letterhead, and I felt as we moved forward and considered
6 the larger impact across the province, we could word it
7 differently and get different inputs, for example, from a
8 forensic psychologist as to how best that should -- could and
9 should be structured, not only to prevent additional disruption,
10 but to disperse it and deescalate.

11 **MR. ERIC BROUSSEAU:** Okay. Now the tow truck
12 issue, if I can call it that, as we've heard evidence on it, and
13 so I believe you told us in your interview that the OPP did not
14 compel the provision of tow truck services; is that accurate?

15 **COMM. THOMAS CARRIQUE:** Yes.

16 **MR. ERIC BROUSSEAU:** Okay. So I would like to
17 pull up document PB.NSC.CAM00007378 with the REL 001 suffix.
18 This is a letter that you wrote to Deputy Solicitor General Di
19 Tommaso on February 22nd. Have you seen this letter recently?

20 **COMM. THOMAS CARRIQUE:** Not recently, no, but I
21 do recognize it, yes.

22 **MR. ERIC BROUSSEAU:** Okay. If we could just
23 scroll down to page 4, I understand the power to compel tow
24 truck services was delegated to you; is that correct?

25 **COMM. THOMAS CARRIQUE:** Correct, it was.

26 **MR. ERIC BROUSSEAU:** Is ---

27 **COMM. THOMAS CARRIQUE:** And it formed part of the
28 negotiations that took place with the tow operators that were

1 done by other -- people other than me, yes.

2 **MR. ERIC BROUSSEAU:** Okay. And if we could go --
3 and, sorry, what's on screen is the actual delegation of that
4 authority?

5 **COMM. THOMAS CARRIQUE:** Yes.

6 **MR. ERIC BROUSSEAU:** If we could go up to page 2?
7 So that last paragraph,

8 "While this situation is unprecedented,
9 the OPP worked with Legal and
10 determined that because we are engaging
11 [two companies -- sorry, engaging]
12 companies under the provisions of the
13 *Emergencies Act*, not as a procurement,
14 contract or agreement, that we should
15 work within the 'reasonable
16 compensation' provisions consistent
17 with the terms of the regulations."

18 And so I just -- is that not -- are you not
19 saying in that paragraph that you have, in fact, compelled
20 companies under the *Emergencies Act*? And if not, can you help
21 us understand what that paragraph means?

22 **COMM. THOMAS CARRIQUE:** Yeah, this is
23 correspondence that was pulled together with assistance from
24 Legal Team, trying to satisfy the requirements of our
25 procurement policies as it relates to engaging these services.
26 Not compelling them I think is somewhat semantic in that two
27 trucks were coordinated, they were organized, they appeared
28 willing to proceed. Many of them wanted indemnification, which

1 was not something that we could provide them with without making
2 additional arrangements through emergency provisions with the
3 province. So when the *Emergencies Act* was invoked, that ability
4 to provide that indemnification was extremely helpful. We were
5 also concerned at the time that those that had agreed to provide
6 their services would back out as we got closer to the operation.
7 So technically, could we have compelled them? Did we provide
8 them with information in writing that would insinuate they were
9 compelled? Quite likely. But did we actually have to direct
10 them? No, they had willingly agreed to assist. It was the
11 indemnification that was the issue, and we were trying to make
12 sure that with new legislation and procurement processes that
13 everything was done appropriately and legally.

14 **MR. ERIC BROUSSEAU:** So it's fair to say then
15 that they were indemnified under the *Emergencies Act*, but they
16 were not actually compelled under the *Emergencies Act*?

17 **COMM. THOMAS CARRIQUE:** That's how I would
18 describe it. You would be best to speak with those who had
19 direct contact with the tow providers. They were provided
20 correspondence under my signature and the authority to
21 disseminate that correspondence. My understanding is they did
22 not have to rely upon that to compel anyone to provide their
23 services. It was the indemnification that was the critical
24 part.

25 **MR. ERIC BROUSSEAU:** And if we actually scroll
26 down, I think that correspondence is attached to this letter,
27 pass the authorization to all identified towing companies.
28 That's the correspondence you're referring to?

1 **COMM. THOMAS CARRIQUE:** That's correct, yes.

2 **MR. ERIC BROUSSEAU:** Okay. Commissioner
3 Carrique, in my last sort of 10 minutes, I want to ask you a few
4 bigger picture questions. And the first one is about incident
5 command. You are one of very few people who are going to
6 testify at this Commission who has sat atop a police
7 organization. And so I'm sure the Commissioner will be
8 interested in your thoughts on proper role of a Police Chief
9 when it comes to the Incident Command System.

10 **COMM. THOMAS CARRIQUE:** So proper role of a
11 Police Chief, depending on the -- depends on the situation. It
12 depends on the circumstance. It depends on the size of the
13 police service and the capacity of a police service. For a
14 small police service, a Chief of Police may fulfil many roles,
15 some of which will be very operational. To mid and large-size
16 police services where the larger the police service, the more
17 distant the Chief of Police becomes from operations.

18 Ideally, your Chief of Police would be that of a
19 strategic level, if they have the necessary, qualified people
20 within their command to fulfil the other operational roles. But
21 what is most important is there's clarity on command and
22 control. When embarking upon any situation, planned or
23 unplanned, there needs to be that clarity of command. And you
24 will have likely have heard reference to SMEAC, which is the
25 operation planning format, Situation, Mission, Execution, and
26 Communication or Command and Control, depending what form you
27 use. And those terms need to be clearly defined who is in
28 charge, who has what roles, and who has what responsibilities.

1 There are various forms of Incident Command
2 Structure. What would be very helpful is having a consistent
3 Incident Command Structure that is relied upon by policing right
4 across Canada.

5 **MR. ERIC BROUSSEAU:** Yeah, we looked at Section 9
6 of the *Police Services Act* ---

7 **COMM. THOMAS CARRIQUE:** Yes.

8 **MR. ERIC BROUSSEAU:** --- earlier, and that set
9 out the situations under which the OPP might be called on to
10 assist. In your view, is there -- should that be revisited, or
11 should there be other mechanisms by which the OPP could become
12 engaged when an event overwhelms a local, municipal police
13 force?

14 **COMM. THOMAS CARRIQUE:** I think given all that
15 we've experienced as of late, I think it's very worthwhile being
16 revisited and appropriate consultation taking place with the
17 affected police leaders, with the affected police boards. I
18 don't think it would be fair to suggest that, you know, I as the
19 Commissioner of the OPP would necessarily have the authority to
20 go in and take over operations, but I think there is value in
21 examining a mechanism by which a threshold could easily be
22 identified that would allow that to happen seamlessly, and more
23 integration as it relates leading up to these events.

24 So if, you know, we can take one lesson away from
25 this, it would be absolutely ideal that we had one central
26 repository of how many police resources are on duty at any given
27 time and projected out for a period of time. So if we found
28 ourselves having to plan something, that integration is able to

1 respond and react much more quickly, efficiently, effectively,
2 and we do manage what's called the Provincial Operations Centre,
3 which would make good common sense to house that type of
4 information as to the resources that are available and
5 accessible.

6 **MR. ERIC BROUSSEAU:** Okay. Looking at Ottawa and
7 what happened in Ottawa, you told us, and we've seen emails that
8 you offered whatever support was necessary. Whatever you need,
9 Chief Sloly, OPS, it's yours. We've also heard, again, from
10 witnesses who have testified, that -- and you've said this
11 yourself, that it wasn't -- it's not possible or it's not
12 advisable or feasible to send resources without -- in the
13 absence of a plan.

14 And so -- and I know we've touched on this, but I
15 just want to -- I want to put this to you, that there's sort of
16 a contradiction there, that, you know, "we will do anything we
17 can to help you" versus "we really need to see a plan from you
18 before I send one more OPP officer to Ottawa".

19 Can you help us understand it, you know, why
20 that's not a contradiction, if it's not a contradiction?

21 **COMM. THOMAS CARRIQUE:** Yeah, I think it's a
22 really good question. And on the surface, it may appear to be a
23 contradiction, but I think to be -- to be fair to the
24 proceedings, that contradiction is mitigated by actually looking
25 at the data and the evidence.

26 Look at the number of officers that were deployed
27 on each and every day at various intervals. Look at the
28 requests that were made and how they were responded to. And

1 it's only till we get to a point in time where we need to be
2 able to manage the availability of those police resources for a
3 protracted period of time across the province and manage all of
4 the logistics that are associated to that that there needs to be
5 a more defined plan.

6 So I don't think they're contradictory in any
7 way. There's a point in time where we hit a threshold where
8 it's just not possible to provide 1,700 police officers and 100
9 civilians. On any -- on any given day, as I've mentioned, we
10 may have a little over 1,000 working with the OPP and we're
11 managing on a daily basis, on average, approximately 3,400 calls
12 for service, 20 percent of which are what we call priority zero
13 or priority one, so those are emergency 911 calls that warrant
14 an immediate response.

15 To manage all of that across 330 municipalities
16 and a critical event, you need to have a plan. And in the
17 absence of me being satisfied that there is a plan to deploy
18 those resources, I and every police leader would be negligent in
19 their duties.

20 **MR. ERIC BROUSSEAU:** Okay. Turning to Windsor a
21 moment, I believe OPP counsel in their opening referred to it as
22 a success story in terms of how it was handled, which may be
23 true in terms of the amount of time it took to clear the
24 blockade, but based on the fact that there was intelligence that
25 this blockade was potentially coming for several days, if not a
26 week, before it happened and the importance of Windsor, was it
27 preventable?

28 **COMM. THOMAS CARRIQUE:** Windsor? Was Windsor

1 preventable?

2 MR. ERIC BROUSSEAU: Yes.

3 COMM. THOMAS CARRIQUE: I think you'd have to ask
4 Windsor Police that. I think they felt -- they felt prepared to
5 respond to the intelligence that they had before them. I think
6 you would have to ask them what prevented them from being able
7 to mitigate the blockade.

8 It's a very tenuous situation. We have to allow
9 the environment for lawful protest, so you know, it sounds easy
10 -- it sounds easy to those that may be listening to the police
11 evidence to say there's a clear demarcation and delineation
12 between lawful assembly and criminal activity, and it's not
13 always that case.

14 So although there may be rhetoric, there may be
15 very good intelligence that some parties are planning on
16 participating in what we would describe as an unlawful protest,
17 we have a responsibility to facilitate lawful assembly under the
18 *Canadian Charter of Rights and Freedoms*.

19 So how do you find that demarcation? It's not
20 the difference between saying on this side of the road is long
21 distance and on that side it's not when we had old telephone
22 networks. It is extremely difficult to decide in some cases at
23 what point this is going to become unlawful assembly and how do
24 you prevent that in that moment of time.

25 Sometimes you cannot prevent it. When presented
26 with it, I think the important question is, how do you de-
27 escalate it. And that's where the framework, the national
28 framework that this Commission has spent some considerable time

1 hearing about, I think that's really where the focus needs to
2 be. How do you leverage that framework that once you find
3 yourself in that situation that you can de-escalate?

4 And if you do have to move to enforcement, how
5 can you do that in the most efficient, effective and primarily
6 the safest way to those that are involved in the protests, to
7 the officers and to the community?

8 So that is not a straightforward question, nor
9 have I provided you with a straightforward answer. I apologize.

10 **MR. ERIC BROUSSEAU:** That's okay.

11 My final question. You told us this summer that
12 there's a limited formal role for the OPP to kind of coordinate
13 resources across Ontario.

14 Do you think, looking back in hindsight, that a
15 more active and early engagement by the OPP in bringing
16 resources together could have prevented certain protests or
17 shortened the protests that did occur?

18 **COMM. THOMAS CARRIQUE:** I think that's -- I think
19 that's an unfair question. I don't know that I could say
20 earlier, active engagement of the OPP. The information was
21 there to the police services of jurisdiction to build the plans
22 as they saw was appropriate. The intelligence was provided.

23 We're there as a willing policing partner and, as
24 in my previous very longwinded answer, I apologize,
25 Commissioner, I don't know that it's always possible to prevent
26 these things.

27 Are there mitigation strategies that could be put
28 into place and maybe should have been put into place? I will

1 concede that. But I don't know that I can say that there would
2 be a different outcome if the OPP were put in a different
3 position.

4 **MR. ERIC BROUSSEAU:** Thank you, Commissioner
5 Carrique. Those are my questions.

6 **COMM. THOMAS CARRIQUE:** Thank you.

7 **COMMISSIONER ROULEAU:** Thank you.

8 So I'd like to call on the Government of Canada
9 to go first, please.

10 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

11 **MR. BRENDAN van NIEJENHUIS:** Good afternoon,
12 Commissioner Carrique. My name is Brendan van Niejenhuis, and
13 I'm one of the lawyers for the Government of Canada. I'll have
14 some questions for you today.

15 **COMM. THOMAS CARRIQUE:** Thank you. Good
16 afternoon.

17 **MR. BRENDAN van NIEJENHUIS:** Good afternoon. I'd
18 like to start with an issue my friend was just asking you about
19 after the lunch break, and that has to do with the issue of
20 towing.

21 Actually, before I start, I want to take you to -
22 - that, I want to take you to a document he had taken you to,
23 which is OPP00001580.

24 This has to do with the messaging to the
25 demonstrators.

26 **COMM. THOMAS CARRIQUE:** Okay.

27 **MR. BRENDAN van NIEJENHUIS:** If you could look at
28 the third paragraph, you see there that your advice to the

1 Deputy Solicitor-General was that the messaging to the
2 demonstrators should start with the *Emergency Measures and Civil*
3 *Protection Act*; right?

4 COMM. THOMAS CARRIQUE: Yes.

5 MR. BRENDAN van NIEJENHUIS: And secondly, it
6 should go to the FA. I take that as a typo for the EA. Is that
7 fair?

8 COMM. THOMAS CARRIQUE: I think that is very
9 fair, yes.

10 MR. BRENDAN van NIEJENHUIS: And the EA would be
11 the *Emergencies Act*; correct?

12 COMM. THOMAS CARRIQUE: Yes.

13 MR. BRENDAN van NIEJENHUIS: Because it refers to
14 the enforcement of the designated restricted zone; right?

15 COMM. THOMAS CARRIQUE: Absolutely, yes.

16 MR. BRENDAN van NIEJENHUIS: And the prohibition
17 of children.

18 COMM. THOMAS CARRIQUE: Yes.

19 MR. BRENDAN van NIEJENHUIS: And those were
20 measures that arose under the *Emergencies Act*.

21 COMM. THOMAS CARRIQUE: Correct, yes.

22 MR. BRENDAN van NIEJENHUIS: And your point there
23 is that you want to emphasize the *Emergencies Act* consequences
24 and the *EMCPA* consequences ahead of emphasizing the criminal
25 charges; right?

26 COMM. THOMAS CARRIQUE: That is the way that I've
27 articulated it, yes.

28 MR. BRENDAN van NIEJENHUIS: Because those

1 messages would be more effective than the ordinary available
2 charges under the *Criminal Code* in reducing the footprint of the
3 protest site before the POU operation took place in earnest.

4 **COMM. THOMAS CARRIQUE:** They may be more
5 effective, depending on the situation, depending on the
6 circumstances. They were definitely and -- definitely an
7 effective tool for those three areas that I've highlighted.

8 We have common law authorities to prevent entry
9 into restricted zones. That is available to the police. But
10 the messaging that went along with the *Emergencies Act* about
11 those restricted zones specifically being able to highlight
12 prohibiting children from entering into those zones, which was a
13 concern for the police, was an effective tool, I believe.

14 Also, being able to message the other
15 consequences, that is an effective tool that was available to
16 us. Absolutely.

17 **MR. BRENDAN van NIEJENHUIS:** Thank you.

18 Could we go now, please, to PB.nsc.can.00007378?

19 I want to take you back to the letter that you
20 wrote on February the 22nd to Deputy Solicitor General Di
21 Tommaso; do you recall being asked about this a moment ago?

22 **COMM. THOMAS CARRIQUE:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** Yes, I just want to
24 make sure that we read the whole of the letter. If we go down
25 to the first paragraph, please, you say this is further to an
26 original letter you'd sent him of February 15th; right?

27 **COMM. THOMAS CARRIQUE:** That's correct. We had
28 sent initial correspondence on February the 15th regarding a non-

1 competitive procurement process while we were procuring the
2 services of tow operators, yes.

3 **MR. BRENDAN van NIEJENHUIS:** Yes. And you say,
4 at the time, you thought that the best approach would be the
5 provisions of the Ontario Public Service Procurement Directive
6 and the Emergency Provisions underneath it which allow for non-
7 competitive procurement; correct?

8 **COMM. THOMAS CARRIQUE:** Correct, yes.

9 **MR. BRENDAN van NIEJENHUIS:** And you say, as
10 matters unfolded operationally in real time, the OPP learned
11 that the vendor community was highly reluctant to assist the
12 police?

13 **COMM. THOMAS CARRIQUE:** Yes.

14 **MR. BRENDAN van NIEJENHUIS:** And initial
15 conversations with them revealed that they required an unusually
16 broad and high-risk indemnification from the province; right?

17 **COMM. THOMAS CARRIQUE:** Correct, yes.

18 **MR. BRENDAN van NIEJENHUIS:** Secondly, a
19 commitment not to reveal their name; correct?

20 **COMM. THOMAS CARRIQUE:** In some cases, that was a
21 concern by tow operators, yes.

22 **MR. BRENDAN van NIEJENHUIS:** Yes. And you were
23 advised by the Solicitor General's legal that the OPP could not
24 provide such an indemnity absent the approval of the Minister of
25 Finance or the President of the Treasury Board Secretariat;
26 correct?

27 **COMM. THOMAS CARRIQUE:** I can't recall the
28 specific advice but that advice that we received was what

1 generated this letter that was constructed for me.

2 **MR. BRENDAN van NIEJENHUIS:** And that's what you
3 conveyed to the Deputy Solicitor General?

4 **COMM. THOMAS CARRIQUE:** Can you point me to that
5 paragraph, sorry.

6 **MR. BRENDAN van NIEJENHUIS:** This third bullet
7 point, you say:

8 "As advised by the Legal Services
9 Branch, the OPP could not provide an
10 indemnity."

11 Do you see that?

12 **COMM. THOMAS CARRIQUE:** I do see that, thank you.
13 Yes.

14 **MR. BRENDAN van NIEJENHUIS:** All right. And you
15 could not promise confidentiality, if you look at the fourth
16 line there, because of the obligations the OPP has under FIPPA;
17 correct?

18 **COMM. THOMAS CARRIQUE:** Correct.

19 **MR. BRENDAN van NIEJENHUIS:** Next bullet: If the
20 OPP were to enter into such agreements, a separate agreement
21 would be needed to be negotiated each time you retained a vendor
22 and there simply would not be enough time for that to be
23 achieved when services had to be in place by February 17;
24 correct?

25 **COMM. THOMAS CARRIQUE:** That is correct.

26 **MR. BRENDAN van NIEJENHUIS:** Okay. Next page,
27 you continue and say:

28 "On February 15th, we learned that the

1 Government of Canada announced the
2 declaration of a Public Order Emergency
3 under the *Emergencies Act*."

4 Correct?

5 **COMM. THOMAS CARRIQUE:** Correct

6 **MR. BRENDAN van NIEJENHUIS:** And you pointed out
7 in the next paragraph that the Emergency Measure Regulations
8 include provisions whereby the Minister or the Commissioner of
9 the RCMP, or a person acting on their behalf, can require a
10 person to render essential goods and services; right?

11 **COMM. THOMAS CARRIQUE:** That's right.

12 **MR. BRENDAN van NIEJENHUIS:** That includes towing
13 services, as noted there; right?

14 **COMM. THOMAS CARRIQUE:** Correct.

15 **MR. BRENDAN van NIEJENHUIS:** And if you look at
16 the next paragraph, in the second sentence, you say:

17 "Additionally, the regulations were
18 support by Legal as the appropriate way
19 to address the need to have services
20 available quickly..." (As read).

21 Right?

22 **COMM. THOMAS CARRIQUE:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** And that's because
24 they included provision for, first of all, compensation; right?

25 **COMM. THOMAS CARRIQUE:** Yes.

26 **MR. BRENDAN van NIEJENHUIS:** Secondly,
27 compensation for any loss, injury, or damage suffered as a
28 result of performing their duties?

1 **COMM. THOMAS CARRIQUE:** That is correct, yes.

2 **MR. BRENDAN van NIEJENHUIS:** And lastly,
3 protection from personal liability, which would serve the
4 function of an indemnity; correct?

5 **COMM. THOMAS CARRIQUE:** That's correct, yes.

6 **MR. BRENDAN van NIEJENHUIS:** And then you enclose
7 -- you tell the Deputy Solicitor General you're enclosing the
8 letter and fee schedule that you provided to all of the
9 identified towing vendors; correct?

10 **COMM. THOMAS CARRIQUE:** That is correct.

11 **MR. BRENDAN van NIEJENHUIS:** All right, if we can
12 go to the next page, please -- I'm sorry, the fourth page,
13 that's the -- my friend showed you that. That's designating you
14 as a person who may exercise the authority of the Commissioner
15 for this purpose; right?

16 **COMM. THOMAS CARRIQUE:** Correct, yes, signed by
17 both myself and the Commissioner of the RCMP.

18 **MR. BRENDAN van NIEJENHUIS:** Signed February 17th?

19 **COMM. THOMAS CARRIQUE:** Correct.

20 **MR. BRENDAN van NIEJENHUIS:** Okay, next page. If
21 you look at the second paragraph, this is a letter that's signed
22 by you. It says:

23 "The OPP thanks you for your wiliness
24 to engage in discussions to date to
25 determine a solution that will help us
26 move forward in this emergent
27 situation."

28 Right?

1 **COMM. THOMAS CARRIQUE:** That's what it says, yes.

2 **MR. BRENDAN van NIEJENHUIS:** And there had been
3 discussions, at least to help determine whether a solution could
4 be found that would protect the towing companies appropriately?

5 **COMM. THOMAS CARRIQUE:** There had been discussion
6 with the towing companies, many of which had agreed to provide
7 services. Some were concerned over indemnification. Some were
8 concerned over identity. And there was a concern that some of
9 them may back out as we got closer to activating the operational
10 plan, yes.

11 **MR. BRENDAN van NIEJENHUIS:** Yes. And in view of
12 that concern, what you say here is that:

13 "Pursuant Section 7 of the regulations,
14 [...], the OPP is now requiring you to
15 make available, and render, the
16 essential goods and services needed for
17 the removal, towing, and storage of
18 these vehicles." (As read).

19 Correct?

20 **COMM. THOMAS CARRIQUE:** Correct, yes.

21 **MR. BRENDAN van NIEJENHUIS:** And if you look at
22 the next paragraph, you confirm, then:

23 "This letter is written confirmation of
24 verbal instructions from the OPP, [...],
25 to provide these services from the date
26 the regulations came into force on
27 February 15th, and notice that you are
28 required to continue to comply and

1 provide them." (As read).

2 Right?

3 **COMM. THOMAS CARRIQUE:** Correct, yes.

4 **MR. BRENDAN van NIEJENHUIS:** Okay. And so, as
5 you said, it's a bit of a semantic issue but in fact, sir, the
6 OPP did require towing companies to provide the services under
7 the auspices of the EA; correct?

8 **COMM. THOMAS CARRIQUE:** Yes, we had provided that
9 written direction and, had they failed to provide those service,
10 we would have been able to compel them to do so, absolutely.

11 **MR. BRENDAN van NIEJENHUIS:** And you appreciate
12 that the -- under the Emergency Measures Regulations, where this
13 authority came from, that the power is to request them to
14 provide the services; correct?

15 **COMM. THOMAS CARRIQUE:** Yes.

16 **MR. BRENDAN van NIEJENHUIS:** And if they do no do
17 so, then that creates an offence under Section 10 of the
18 Emergency Measures Regulations; correct?

19 **COMM. THOMAS CARRIQUE:** I am aware of that, yes.

20 **MR. BRENDAN van NIEJENHUIS:** If we go now to --
21 well, actually, go to the next page. You see there's a note
22 about compensation, right?

23 **COMM. THOMAS CARRIQUE:** Correct, yes.

24 **MR. BRENDAN van NIEJENHUIS:** And then if you go
25 to the next page, there's a second that also goes to the towing
26 companies that sets out the compensation levels; correct?

27 **COMM. THOMAS CARRIQUE:** Yes. Yes, it does.

28 **MR. BRENDAN van NIEJENHUIS:** And it's got a

1 schedule on the last page of the document, page 9, and that sets
2 out the hourly rates for these services, right ---

3 **COMM. THOMAS CARRIQUE:** Yes, it does.

4 **MR. BRENDAN van NIEJENHUIS:** --- ranging from
5 \$175 or so an hour up to \$750 for the really big 65-tonne
6 rotator trucks; right?

7 **COMM. THOMAS CARRIQUE:** It appears that the
8 range, yes, absolutely.

9 **MR. BRENDAN van NIEJENHUIS:** Could we go now to
10 PB.CAN.00001628? Sir, I'm showing you what appears to be an
11 invoice from the Government of Ontario and the Ministry lists
12 OPP there among the notations; do you see that?

13 **COMM. THOMAS CARRIQUE:** I do see that, yes.

14 **MR. BRENDAN van NIEJENHUIS:** That's the form of
15 an invoice that comes from or on behalf of the Ontario
16 Provincial Police?

17 **COMM. THOMAS CARRIQUE:** I'm assuming so. I have
18 never seen this or another invoice like it, but it certainly
19 appears to be, yes.

20 **MR. BRENDAN van NIEJENHUIS:** You appreciate you
21 had advised the Deputy Solicitor General that, of course, you'd
22 be seeking recovery or compensation from the RCMP for the money
23 you paid out under that schedule to towing companies; right?

24 **COMM. THOMAS CARRIQUE:** Yes.

25 **MR. BRENDAN van NIEJENHUIS:** Okay. If you just
26 go down the page to the amount, you see there that there's been
27 a bill issued in the amount of \$666,000 and change to the RCMP?

28 **COMM. THOMAS CARRIQUE:** Yes, I do see that, yes.

1 **MR. BRENDAN van NIEJENHUIS:** And sir, am I
2 correct that that accounts for the amounts that were paid by the
3 OPP to towing companies and then billed back to the RCMP.

4 **COMM. THOMAS CARRIQUE:** It appears so but I would
5 not have that level of detail. That would have to be determined
6 by our business management bureau but it certainly appears so by
7 virtue of what you've presented to me.

8 **MR. BRENDAN van NIEJENHUIS:** Okay.

9 **COMM. THOMAS CARRIQUE:** I have no reason to
10 dispute that.

11 **MR. BRENDAN van NIEJENHUIS:** It's -- it indicates
12 services received as of February 27th, and that accords with the
13 general timeframes that we're speaking of; yes?

14 **COMM. THOMAS CARRIQUE:** Yes, it does. Yes.

15 **MR. BRENDAN van NIEJENHUIS:** Thank you. All
16 right. I'd like now to go to your text messages with the Deputy
17 Solicitor General.

18 They are at OPP00004580. And we'll begin at
19 page 16.

20 First, sir, a general question.

21 If we just go to the bottom of this text.

22 You see there on the bottom right it's got a time
23 and date stamp; right?

24 **COMM. THOMAS CARRIQUE:** I do, yes.

25 **MR. BRENDAN van NIEJENHUIS:** And so this says
26 26th of January, 3:19:58 p.m. (UTC+0)?

27 **COMM. THOMAS CARRIQUE:** That's what it says, yes.

28 **MR. BRENDAN van NIEJENHUIS:** And understand that

1 UTC is coordinated universal time, and that refers to a time
2 that is during Eastern Standard hours, which is five hours ---

3 **COMM. THOMAS CARRIQUE:** I didn't know, but thank
4 you for the explanation, yes.

5 **MR. BRENDAN van NIEJENHUIS:** Is that right?

6 **COMM. THOMAS CARRIQUE:** I will accept your
7 explanation.

8 **MR. BRENDAN van NIEJENHUIS:** Okay. So it's five
9 hours -- it's basically subtract five and you get the correct
10 time. So you're looking here at 3:19 p.m. This is a text
11 message actually sent at 10:19 a.m.

12 **COMM. THOMAS CARRIQUE:** Okay.

13 **MR. BRENDAN van NIEJENHUIS:** Okay. And in
14 fairness, you'll see in other texts that you talk about the time
15 that it is that will assist in confirming that ---

16 **COMM. THOMAS CARRIQUE:** Okay, thank you.

17 **MR. BRENDAN van NIEJENHUIS:** --- but if we could
18 just go with that, that'll help us orient what happens when.

19 **COMM. THOMAS CARRIQUE:** Thank you.

20 **MR. BRENDAN van NIEJENHUIS:** So in this text
21 message, I understand, and I'll represent to you that this is
22 the first indication of you reporting, at least via text, about
23 the incoming convoy to the Deputy. Does that appear reasonable?

24 **COMM. THOMAS CARRIQUE:** It appears reasonable,
25 yes. Via text, yes.

26 **MR. BRENDAN van NIEJENHUIS:** Yes. And that's
27 what we have to work with in the productions at least, so I'm
28 not sure ---

1 **COMM. THOMAS CARRIQUE:** Yes, absolutely.

2 **MR. BRENDAN van NIEJENHUIS:** But you'll see that
3 they're already the largest convoy to date you estimate as being
4 approximately 830 vehicles?

5 **COMM. THOMAS CARRIQUE:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** And then you note
7 below that there is convoys anticipated from the east, from
8 Quebec; right?

9 **COMM. THOMAS CARRIQUE:** Correct, yes.

10 **MR. BRENDAN van NIEJENHUIS:** And other southern-
11 based convoys from southwestern Ontario.

12 **COMM. THOMAS CARRIQUE:** Yes.

13 **MR. BRENDAN van NIEJENHUIS:** Okay. And if you
14 just move down the page to the response from Deputy Di Tommaso.
15 You'll see he thanks you; right?

16 **COMM. THOMAS CARRIQUE:** Yes, I see that, yes.

17 **MR. BRENDAN van NIEJENHUIS:** And he would like an
18 early morning report as he'll be reporting into SOC. Do you see
19 that?

20 **COMM. THOMAS CARRIQUE:** I do see that, yes.

21 **MR. BRENDAN van NIEJENHUIS:** Is that the
22 Secretary to the Cabinet?

23 **COMM. THOMAS CARRIQUE:** That would be Secretary
24 of Cabinet, yes.

25 **MR. BRENDAN van NIEJENHUIS:** If we go to the next
26 page.

27 This is now the 27th.

28 If you go down to the second text on the page on

1 the page,

2 And you're providing a further update on the
3 progress of the convoy?

4 **COMM. THOMAS CARRIQUE:** Yes.

5 **MR. BRENDAN van NIEJENHUIS:** If you go to
6 page 21.

7 You'll see there on the bottom text on the page
8 on the 28th, again you're providing a further update.

9 Sorry, it's 21.

10 A further update on the 28th now; right?

11 **COMM. THOMAS CARRIQUE:** So this is dated the
12 27th; sorry?

13 **MR. BRENDAN van NIEJENHUIS:** Oh. You know what,
14 you've got me. You're right. It's the -- there's that UTC
15 issue. So you're saying the 27th, but this is actually five
16 hours earlier. It's 9:40 p.m. on the 27th.

17 **COMM. THOMAS CARRIQUE:** Okay, thank you.

18 **MR. BRENDAN van NIEJENHUIS:** Does that make sense
19 to you?

20 **COMM. THOMAS CARRIQUE:** That does. It's helpful
21 because I had put the date at the top; otherwise, I would've
22 fallen victim to the same timestamp. Thank you.

23 **MR. BRENDAN van NIEJENHUIS:** Easy to do. If you
24 look at the bottom entry in your report that there's a focus by
25 OPS...

26 Just go to the bottom of that text.

27 That:

28 "OPS is focused on access and egress

1 routes to hospitals and any risks
2 associated to vaccine clinics."

3 Right?

4 **COMM. THOMAS CARRIQUE:** Yes.

5 **MR. BRENDAN van NIEJENHUIS:** That's because there
6 is a concern about the purpose of the convoy and the potential
7 for disruption of vaccination sites; right?

8 **COMM. THOMAS CARRIQUE:** Correct, yes.

9 **MR. BRENDAN van NIEJENHUIS:** If we go to page 23.
10 At the top of the page.

11 You'll see, you're reporting now on the 28th, and
12 we know now that that's approximately 11:00 a.m., and you're
13 indicating that there is convoys now commencing their travels to
14 Ottawa from Huntsville, Owen Sound, Kingston, Innisfil,
15 Hamilton, Sault Ste Marie, Cochrane, Little Current, and Quebec;
16 correct?

17 **COMM. THOMAS CARRIQUE:** Correct, yes.

18 **MR. BRENDAN van NIEJENHUIS:** And you're expecting
19 crowds of demonstrators all along the various routes, and the
20 leader of the Opposition in fact you note there.

21 **COMM. THOMAS CARRIQUE:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** Yeah. And if you go
23 to the bottom of the page, you're providing an estimate on this
24 date.

25 And if you could just scroll so we can see the
26 timestamp. Thank you.

27 So about 3:45 in the afternoon, 1,350 estimated
28 at this point; right?

2 **MR. BRENDAN van NIEJENHUIS:** And you're reporting
3 on:

9 Right?

11 **MR. BRENDAN van NIEJENHUIS:** Social media
12 messaging indicating that demonstrators intend to stay beyond
13 the weekend?

15 **MR. BRENDAN van NIEJENHUIS:** Some extremist views
16 and comments encouraging unlawful protests are being posted on
17 social media.

19 **MR. BRENDAN van NIEJENHUIS:** And you note that
20 \$7.1 million have been raised now on GoFundMe.

23 OPS will not be allowing any trucks
24 carrying heavy equipment or other items
25 of concern to travel into the city."

27 MR. BRENDAN van NIEJENHUIS: I do, thank you.

28 **COMM. THOMAS CARRIQUE:** Thank you.

1 **MR. BRENDAN van NIEJENHUIS:** If we go to page 25.
2 The second text on the page, please.

3 This is a 29 January update?

4 **COMM. THOMAS CARRIQUE:** Yes.

5 **MR. BRENDAN van NIEJENHUIS:** You note here that
6 "Yesterday on "Arnprior" was the destination, 65 kilometres west
7 of Ottawa, "for over 600 convoy participants." Correct?

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MR. BRENDAN van NIEJENHUIS:** And Arnprior became
10 a site where a sort of encampment ended up persisting; is that
11 fair?

12 **COMM. THOMAS CARRIQUE:** That is fair, yes.

13 **MR. BRENDAN van NIEJENHUIS:** And the OPP did not
14 have full visibility into the content of the encampment in
15 Arnprior; is that fair?

16 **COMM. THOMAS CARRIQUE:** You -- we would have to
17 seek that clarification from those that were actually deployed
18 there to see, you know, what type of visibility they had. I
19 can't say.

20 **MR. BRENDAN van NIEJENHUIS:** Okay. You're not
21 aware?

22 **COMM. THOMAS CARRIQUE:** I'm not aware, sorry.

23 **MR. BRENDAN van NIEJENHUIS:** Go to page 26. The
24 text at the bottom of the page, please.

25 You see there now you're reporting to the Deputy
26 Solicitor General that a farmer's field has been cleared on
27 Route 200 in Embrun for parking. Do you see that?

28 **COMM. THOMAS CARRIQUE:** Yes.

1 **MR. BRENDAN van NIEJENHUIS:** A site that can hold
2 400 trucks?

3 **COMM. THOMAS CARRIQUE:** Yes.

4 **MR. BRENDAN van NIEJENHUIS:** And a shuttle had
5 been arranged ---

6 **COMM. THOMAS CARRIQUE:** Yes.

7 **MR. BRENDAN van NIEJENHUIS:** --- I guess to
8 shuttle protesters back and forth to the city?

9 **COMM. THOMAS CARRIQUE:** It appears so, yes.

10 **MR. BRENDAN van NIEJENHUIS:** And again, the site
11 in the Embrun, and maybe you don't know, but the site in Embrun
12 was one in which the OPP and other Police Services did not have
13 visibility as to what was set up there and what was occurring at
14 that site?

15 **COMM. THOMAS CARRIQUE:** I certainly do not.
16 Those that were operational during the time could answer that
17 with more accuracy, sir.

18 **MR. BRENDAN van NIEJENHUIS:** Do you know where
19 Embrun is? About -- I think about 40 kilometres to the
20 southeast of Ottawa; yes?

21 **COMM. THOMAS CARRIQUE:** Generally, yes.

22 **MR. ERIC BROUSSEAU:** Commissioner, if I could
23 just interject quickly. I got a request from the translators
24 that counsel slow down when -- especially when reading. They're
25 having a hard time keeping up.

26 **MR. BRENDAN van NIEJENHUIS:** I apologise. I will
27 do better at that.

28 Can we go to page 28. The third last text on the

1 page.

2 If you see, there's an indication there you're
3 giving at, it would be 7:44, so 2:44 in the afternoon on the
4 29th; right?

5 **COMM. THOMAS CARRIQUE:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** And that is that a:
7 "Private helicopter [is] flying over
8 Ottawa with an anti-government sign [on
9 it]."

10 Correct?

11 **COMM. THOMAS CARRIQUE:** That is correct, yes.

12 **MR. BRENDAN van NIEJENHUIS:** And Deputy Solicitor
13 General Di Tommaso responds to you.

14 If you move down:

15 "I saw that on the news. How is it
16 permitted to enter into restricted
17 airspace?"

18 Yes?

19 **COMM. THOMAS CARRIQUE:** Yes.

20 **MR. BRENDAN van NIEJENHUIS:** Was that a concern
21 to you as well?

22 **COMM. THOMAS CARRIQUE:** Not at that particular
23 time. I had not thought of that as a concern of mine with a
24 provincial mandate, no.

25 **MR. BRENDAN van NIEJENHUIS:** Okay, fair enough.
26 At any rate, you thought it was a sufficient concern that it
27 should be brought to the attention of the Deputy Solicitor
28 General?

1 **COMM. THOMAS CARRIQUE:** Yes, I did. It was all
2 part of providing accurate situational awareness as to what was
3 happening at the time. Yes.

4 **MR. BRENDAN van NIEJENHUIS:** Okay.

5 If you go over the page.

6 You got a 3:00 p.m. update, and you're indicating
7 to the Deputy that:

8 "Some protesters have exhibited
9 aggressive and threatening behaviour
10 towards uniformed police officers."

11 Already on the 29th; correct?

12 **COMM. THOMAS CARRIQUE:** That's correct.

13 **MR. BRENDAN van NIEJENHUIS:** And if you go to
14 page 30, the top of the page, update of the 29th and around, it
15 would be 4:30 in the afternoon, you've indicated that protests
16 have concluded -- in other words, they've occurred but they've
17 concluded in Bracebridge, Huntsville, and Thornbury, correct?

18 **COMM. THOMAS CARRIQUE:** That is correct, yes.

19 **MR. BRENDAN van NIEJENHUIS:** And they were
20 ongoing at Kapuskasing and Cochrane?

21 **COMM. THOMAS CARRIQUE:** That's correct, yes.

22 **MR. BRENDAN van NIEJENHUIS:** Moving down the
23 page, you continue in the same update, your police have been
24 managing incidents of fighting amongst crowds, tractor trailers
25 driving around or through police barricades, right?

26 **COMM. THOMAS CARRIQUE:** That's correct, yes.

27 **MR. BRENDAN van NIEJENHUIS:** Windows have been
28 smashed in the Rideau Centre?

1 **COMM. THOMAS CARRIQUE:** Yes. And sorry, when you
2 say -- did you say "your people"?

3 **MR. BRENDAN van NIEJENHUIS:** I said -- I'm not
4 sure which police, but police.

5 **COMM. THOMAS CARRIQUE:** Yes. Okay. No, thank
6 you, yes.

7 **MR. BRENDAN van NIEJENHUIS:** It's not clear as to
8 which police, whether they're Ontario Provincial Police or OPS
9 in this case.

10 **COMM. THOMAS CARRIQUE:** No, thank you for the
11 clarity.

12 **MR. BRENDAN van NIEJENHUIS:** Go to page 31, the
13 middle text on the page, 30th of January update. That's the
14 Sunday, I believe, of the first weekend, yes?

15 **COMM. THOMAS CARRIQUE:** Yes. Yes, it is.

16 **MR. BRENDAN van NIEJENHUIS:** And you note there
17 that in Waterloo, 100 vehicles were expected at the Wilmot
18 Recreational Centre from a convoy travelling through Baden, New
19 Hamburg, and finishing in Stratford, correct?

20 **COMM. THOMAS CARRIQUE:** That is correct, yes.

21 **MR. BRENDAN van NIEJENHUIS:** And the organizer
22 there was concerned that with growing numbers, that other
23 participants might not feel the same way about having a peaceful
24 event, correct?

25 **COMM. THOMAS CARRIQUE:** That is correct, yes.

26 **MR. BRENDAN van NIEJENHUIS:** Could we go to page
27 33? Bottom text on the page, please? This is a 3 o'clock p.m.
28 or so update, again on the 30th, the Sunday. Okay. Correct?

1 **COMM. THOMAS CARRIQUE:** Yes, it is. Yes, sorry.

2 **MR. BRENDAN van NIEJENHUIS:** And the second last
3 item in your report that you indicate that is a precaution, "and
4 for special attention, we are in the process of messaging all
5 police services in the province with vaccine clinics in their
6 respective areas for the coming week," correct?

7 **COMM. THOMAS CARRIQUE:** That is correct, yes.

8 **MR. BRENDAN van NIEJENHUIS:** You were concerned
9 about possible obstruction or other criminal or concerning, at
10 least, activity occurring near vaccination clinics because of
11 the apparent motivations of the protestors?

12 **COMM. THOMAS CARRIQUE:** I was, yes.

13 **MR. BRENDAN van NIEJENHUIS:** Go to page 36, the
14 bottom two texts on the page, please -- or the bottom three,
15 rather.

16 This is initiated by Deputy Di Tommaso, and he
17 says, "Good morning, Commissioner Carrique."

18 I take it as CC?

19 **COMM. THOMAS CARRIQUE:** Yes, that it me, yes.

20 **MR. BRENDAN van NIEJENHUIS:**

21 "Can you ensure that the issue of
22 healthcare worker access and egress to
23 hospitals and clinics is raised?"

24 Correct?

25 **COMM. THOMAS CARRIQUE:** Yes.

26 **MR. BRENDAN van NIEJENHUIS:**

27 "The Minister of Health -- Ontario
28 Minister -- sorry, excuse me -- the

1 Ontario Deputy Minister of Health
2 raised the issue this morning with the
3 Secretary of Cabinet."

4 **COMM. THOMAS CARRIQUE:** Yes.

5 **MR. BRENDAN van NIEJENHUIS:** And he committed to
6 the Secretary of Cabinet that you -- that "we would make Ottawa
7 Police Service aware of this issue," right?

8 **COMM. THOMAS CARRIQUE:** That is correct, yes.

9 **MR. BRENDAN van NIEJENHUIS:** You then respond and
10 confirm you'll do that, and you say there's no change from the
11 7:37 a.m. update in the city, correct?

12 **COMM. THOMAS CARRIQUE:** That is correct.

13 **MR. BRENDAN van NIEJENHUIS:** This is on Monday
14 the 31st, the day that everyone hopes the convoy would leave?

15 **COMM. THOMAS CARRIQUE:** I -- yeah. I'm not going
16 to suggest that -- I would say, yeah, everyone hoped it would
17 leave, but certainly was not expecting it to leave.

18 **MR. BRENDAN van NIEJENHUIS:** Okay. And you see
19 that Deputy Solicitor General Di Tommaso has his fingers crossed
20 that that will indeed occur, right?

21 **COMM. THOMAS CARRIQUE:** I -- yeah, there's not
22 enough information there for me to assume that that's
23 specifically what he's hoping for. It may have been that things
24 do resolve, nobody gets injured; it could have been a number of
25 things, but obviously, he's wishing good luck and doesn't want
26 to see any harm come to anyone.

27 **MR. BRENDAN van NIEJENHUIS:** Well, I think he's
28 being more specific, because he's responded to your message

1 which says, "We're experiencing traffic congestion outside of
2 the city which is hopefully associated to people leaving the
3 area," right?

4 **COMM. THOMAS CARRIQUE:** Yes, yes, yes.

5 **MR. BRENDAN van NIEJENHUIS:** So he's hoping for
6 it too?

7 **COMM. THOMAS CARRIQUE:** I would hope so, yes.

8 **MR. BRENDAN van NIEJENHUIS:** Go to page 39. In
9 this update on the 31st, you now say that the OPS estimates
10 1,000 trucks remain within the City?

11 **COMM. THOMAS CARRIQUE:** Yes.

12 **MR. BRENDAN van NIEJENHUIS:** Page 41, and if you
13 could just go to the timestamp, this is -- it says 1st of
14 February but we know now that that is about 8 o'clock -- or
15 sorry, 7:38 at night on the 31st?

16 **COMM. THOMAS CARRIQUE:** Yes.

17 **MR. BRENDAN van NIEJENHUIS:** Okay. And it
18 indicates in your last report in your bullet that OPS PLT is
19 advising that all hotel rooms in Ottawa are booked for the next
20 weekend due to additional convoys attending the area, right?

21 **COMM. THOMAS CARRIQUE:** Yes.

22 **MR. BRENDAN van NIEJENHUIS:** So the hope was not
23 really materializing?

24 **COMM. THOMAS CARRIQUE:** No, it was not.

25 **MR. BRENDAN van NIEJENHUIS:** Page 43, you're
26 giving a status update on the 2nd now, which is the Tuesday --
27 or sorry, the Wednesday, I think, of that week, correct?

28 **COMM. THOMAS CARRIQUE:** Yeah, it's February the

1 2nd, yes.

2 **MR. BRENDAN van NIEJENHUIS:** And now you're
3 reporting that a group from Quebec, 10 to 20 protestors known as
4 Farfadaa have formed at Sussex and Rideau, right?

5 **COMM. THOMAS CARRIQUE:** That's correct, yes.

6 **MR. BRENDAN van NIEJENHUIS:** And that group
7 became quite a concern to the OPP, right?

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MR. BRENDAN van NIEJENHUIS:** To all the police
10 services, not to single yours out. And that was a group that
11 was noted in some of the later intelligence reports that we see
12 with respect to the situation on the ground, correct?

13 **COMM. THOMAS CARRIQUE:** It has been noted in
14 various Hendon Reports, yes.

15 **MR. BRENDAN van NIEJENHUIS:** Okay. Let's move
16 forward to page 47. You are now giving a national picture.
17 This is February the -- well, I guess it's February the 3rd in
18 the evening. It's timestamped 2:53 a.m., so it's about almost
19 10 o'clock at night?

20 **COMM. THOMAS CARRIQUE:** Yes.

21 **MR. BRENDAN van NIEJENHUIS:** And you're now
22 reporting to the deputy that the ongoing truck blockades in
23 Ottawa and now in Alberta have the potential to develop into a
24 national civil obedience movement -- disobedience movement that
25 could extend to Maritime transportation and potentially other
26 major transportation sectors, right?

27 **COMM. THOMAS CARRIQUE:** Yes, I am.

28 **MR. BRENDAN van NIEJENHUIS:** And you confirm, as

1 you said today, that the strategies relied upon by various
2 levels of government and/or police to resolve matters in one
3 province are likely to influence the actions of the protestors
4 in other provinces?

5 **COMM. THOMAS CARRIQUE:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** Some events are
7 likely to be well organized; others may develop organically or
8 spontaneously with little warning?

9 **COMM. THOMAS CARRIQUE:** Yes.

10 **MR. BRENDAN van NIEJENHUIS:** And you were seeing
11 that in various locations in Ontario already, right?

12 **COMM. THOMAS CARRIQUE:** That is correct.

13 **MR. BRENDAN van NIEJENHUIS:** Go to page 48 to the
14 top text on the page, which is sent by you at approximately 9:40
15 in the morning. You list events planned for the weekend outside
16 of Ottawa and Toronto at Iroquois Falls, North Bay, Cochrane,
17 Sudbury, Hurst, and Echo Bay, right?

18 **COMM. THOMAS CARRIQUE:** I do, yes.

19 **MR. BRENDAN van NIEJENHUIS:** And so you had make
20 provisions, or your officers in these detachments need to make
21 provision to be able to police these events as well as what's
22 going on in Ottawa and ---

23 **COMM. THOMAS CARRIQUE:** That is exactly what
24 would be ---

25 **MR. BRENDAN van NIEJENHUIS:** Toronto.

26 **COMM. THOMAS CARRIQUE:** --- happening across the
27 organization, yes. Not me personally, but absolutely, our team
28 would be making those provisions.

1 Morris this evening. He had a call
2 with Mark Patterson, Intel
3 Superintendent for OPS. Indicated his
4 Chief had a vastly different view over
5 the nature of the protests than he did.
6 Pat and Mark share similar views on the
7 protests. I will call you to provide
8 more detail in the morning."

9 You see that?

10 **COMM. THOMAS CARRIQUE:** I do see that, yes.

11 **MR. BRENDAN van NIEJENHUIS:** He's sending that to
12 you about quarter to 11 at night.

13 **COMM. THOMAS CARRIQUE:** Yes.

14 **MR. BRENDAN van NIEJENHUIS:** And you respond and
15 thank him, and you say, "We'll talk in the morning"; right?

16 **COMM. THOMAS CARRIQUE:** Correct, yes.

17 **MR. BRENDAN van NIEJENHUIS:** And it looks like,
18 from the text on the next page, you did speak sometime after 9
19 o'clock or after 9:30?

20 **COMM. THOMAS CARRIQUE:** Yes.

21 **MR. BRENDAN van NIEJENHUIS:** Do you recall that
22 conversation?

23 **COMM. THOMAS CARRIQUE:** I do recall having that
24 conversation with Deputy Commissioner Chuck Cox, yes.

25 **MR. BRENDAN van NIEJENHUIS:** And what was -- what
26 do you recall?

27 **COMM. THOMAS CARRIQUE:** The concerns that were
28 relayed, which could be more accurately relayed by

1 Superintendent Morris, but in general sense, the concerns were
2 that the description, to the extent of the protest and those who
3 were involved and how it was being represented in the media was
4 not consistent with the intelligence.

5 **MR. BRENDAN van NIEJENHUIS:** Could we go to I
6 believe it's OPP00004579?

7 **THE CLERK:** Counsel, I believe that's the
8 document we're currently on.

9 **MR. BRENDAN van NIEJENHUIS:** Sorry. Oh, it's the
10 same document. Got the wrong document number. Just give me a
11 moment. I've got to get the correct document number. Shoot.

12 OPP00003444, and it'll be page 7. This is a
13 email from Pat Morris to Chuck Cox; right? And that's Deputy
14 Cox?

15 **COMM. THOMAS CARRIQUE:** Yes, it is.

16 **MR. BRENDAN van NIEJENHUIS:** And you'll see here
17 that Deputy Cox twigs to him earlier that day on February the 2nd
18 to send him an email as a follow-up to an earlier conversation
19 so he can raise it with CCT; do you see that?

20 **COMM. THOMAS CARRIQUE:** I do see that, yeah.

21 **MR. BRENDAN van NIEJENHUIS:** Is CCT you?

22 **COMM. THOMAS CARRIQUE:** Yes, I lead CCT, so
23 that's a abbreviation for Commissioner's Command Team, which I
24 previously described who comprises of that, and I can re-explain
25 that if it's helpful, sir.

26 **MR. BRENDAN van NIEJENHUIS:** And if you go down
27 the page to the -- so the next page, it's the email that comes
28 in response from Superintendent Morris; okay?

1 **COMM. THOMAS CARRIQUE:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** And this has to do
3 with requests for intelligence with respect to various
4 individuals; correct?

5 **COMM. THOMAS CARRIQUE:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** And if you could
7 just go to the third-last paragraph on the page, this is, of
8 course, February 2nd. It's occurring in the context of the
9 convoy; right?

10 **COMM. THOMAS CARRIQUE:** Yes, it is.

11 **MR. BRENDAN van NIEJENHUIS:** He says,
12 "There appears to be an incredibly
13 heightened appetite for any [and] all
14 information on entities that cause
15 discomfort to the status quo..."

16 Right?

17 **COMM. THOMAS CARRIQUE:** Yes.

18 **MR. BRENDAN van NIEJENHUIS:** And then the next
19 paragraph,

20 "I am concerned that "success" is seen
21 as satisfying intelligence requirements
22 and requests quickly..."

23 Right?

24 **COMM. THOMAS CARRIQUE:** That's what he says, yes.

25 **MR. BRENDAN van NIEJENHUIS:** "...as opposed to
26 satisfying the correct [ones] to the
27 correct actors."

28 Right?

1 **COMM. THOMAS CARRIQUE:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** Okay. He says,
3 "I have acted to prevent/slowdown these
4 requests and/or [...] responses to
5 them."

6 Right?

7 **COMM. THOMAS CARRIQUE:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** And is that the
9 topic that was raised with you by Deputy Cox?

10 **COMM. THOMAS CARRIQUE:** So we talked about this
11 as well. He certainly was concerned about individual requests
12 coming in outside of the channels of Hendon and what those
13 requests were, but also about the dis and misinformation that
14 was out there as well.

15 **MR. BRENDAN van NIEJENHUIS:** Did he refer to you
16 about slow walking effectively, or preventing requests from
17 being fulfilled?

18 **COMM. THOMAS CARRIQUE:** Not in the sense that I
19 think it's being portrayed here. In relation to making sure
20 that all requests are prioritized, they're ethical, they're in
21 keeping with standard operating procedure, this is not about
22 slow walking or not responding to requests that should not be
23 happening. And Superintendent Morris I think goes on to cite
24 his reasoning for that.

25 **MR. BRENDAN van NIEJENHUIS:** Yes, and he's
26 suggesting that it's inappropriate for this intelligence to be,
27 you know, gathered and passed along outside of channels that he
28 characterizes as correct.

1 **COMM. THOMAS CARRIQUE:** To being reported in the
2 media, and there had been some Hendon documents that had made
3 their way into hands to people that should not have been receipt
4 of them -- in receipt of them. So he was concerned about
5 protecting the integrity of the Hendon reports, yes.

6 **MR. BRENDAN van NIEJENHUIS:** Okay. we go to
7 OPP00003443?

8 This is another email from Superintendent Morris
9 dating to August of 2021; do you see that?

10 **COMM. THOMAS CARRIQUE:** I do, yes.

11 **MR. BRENDAN van NIEJENHUIS:** It appears to have
12 been circulated to a number of different police services across
13 the province in the Big 12?

14 **COMM. THOMAS CARRIQUE:** It does, yes.

15 **MR. BRENDAN van NIEJENHUIS:** Okay. If you look
16 at the second paragraph, here he's indicating that -- he's
17 reflecting on,

18 "...the hate crime and hate/bias
19 motivated crime occurrence having
20 spiked [...] by approximately 37% [to
21 the previous year]"

22 **COMM. THOMAS CARRIQUE:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** And he says here
24 that,

25 "There has also, understandably, been a
26 significant appetite for this
27 information from government[...] and
28 the public."

1 Right?

2 **COMM. THOMAS CARRIQUE:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** And that suggests,
4 does it not, that that's an appropriate appetite to, you know,
5 in consequence of the significant spike in these type of crime
6 occurrences?

7 **COMM. THOMAS CARRIQUE:** Sorry, did you say
8 inappropriate?

9 **MR. BRENDAN van NIEJENHUIS:** Appropriate.

10 **COMM. THOMAS CARRIQUE:** Appropriate. Yeah, I
11 don't see anything inappropriate about it.

12 **MR. BRENDAN van NIEJENHUIS:** Yes, he says,
13 "...Hendon has these matters in our Intelligence Collection Plan
14 and has been capturing much of this information from all of our
15 services..."

16 And he references,
17 "...the White Lives Matter Movement,
18 Patriots' movement, anti-government
19 activity and [...] extremist entities
20 engaged in anarchism, environmental
21 issues, etc."

22 Right?

23 **COMM. THOMAS CARRIQUE:** Yes, he does.

24 **MR. BRENDAN van NIEJENHUIS:** And the appetite for
25 that information is, therefore, understandable in the view of
26 Superintendent Morris of 2021?

27 **COMM. THOMAS CARRIQUE:** That's what he's
28 communicating, yes.

1 **MR. BRENDAN van NIEJENHUIS:** Can we go back to
2 your texts with the Deputy at OPP00004580, and we'll go to page
3 99. In view of the time, Commissioner Carrique, I'm going to
4 skip ahead to February the 12th in terms of your updates.

5 At page 99, you're asked at the top of the page
6 by Deputy Solicitor General, he's referring to Windsor here, the
7 Windsor clearance operation.

8 "Have we started as planned or did
9 [the] minister letter have an effect?"

10 **COMM. THOMAS CARRIQUE:** Yes.

11 **MR. BRENDAN van NIEJENHUIS:** And that's the
12 letter we saw earlier from Solicitor-General Jones; correct?

13 **COMM. THOMAS CARRIQUE:** Yes, it was. Correct.

14 **MR. BRENDAN van NIEJENHUIS:** Which I think was
15 Ontario -- no need to go to it -- but 00000858 for the record.

16 And you respond to him that you're proceeding as
17 planned, no effect; right?

18 **COMM. THOMAS CARRIQUE:** Correct, yes.

19 **MR. BRENDAN van NIEJENHUIS:** The letter had no
20 effect, the offer of negotiation had no effect on the
21 determination of the Windsor protectors to stay.

22 **COMM. THOMAS CARRIQUE:** That is correct, yes.

23 **MR. BRENDAN van NIEJENHUIS:** And neither did the
24 injunction that had been ordered the previous day; correct?

25 **COMM. THOMAS CARRIQUE:** That is correct.

26 **MR. BRENDAN van NIEJENHUIS:** And neither had the
27 invocation of the *Emergency Management and Civil Protection Act*
28 by the Province of Ontario which had occurred the previous day

1 as well; right?

2 **COMM. THOMAS CARRIQUE:** It actually didn't come
3 into effect, I believe, until the morning of the 12th. But no,
4 it would not have had any effect at that point. It was later
5 effective for us on Highway 402, but that's a different date and
6 a different situation.

7 **MR. BRENDAN van NIEJENHUIS:** That's -- and that's
8 fair.

9 But in this -- this crowd, these three
10 instruments did not seem to affect their determination to stay
11 and block the bridge.

12 **COMM. THOMAS CARRIQUE:** They certainly did not,
13 no. And I know you'll have Superintendent Dayna Earley before
14 this Commission in the future, and she can speak in more detail,
15 but from a strategic level, no effect. You are correct.

16 **MR. BRENDAN van NIEJENHUIS:** If you go to the
17 next entry on this page, it's -- we're at 1:15 p.m., roughly,
18 UCC, so that's about quarter past 8 in the morning.

19 **COMM. THOMAS CARRIQUE:** Yes.

20 **MR. BRENDAN van NIEJENHUIS:** And you're now
21 reporting to him that the port of entry in Cornwall has been
22 blocked by 50 to 70 vehicles.

23 **COMM. THOMAS CARRIQUE:** That's right.

24 **MR. BRENDAN van NIEJENHUIS:** And there's
25 conflicting reports about that, but it now adds Akwesasne to the
26 mix; right?

27 **COMM. THOMAS CARRIQUE:** That is correct.

28 **MR. BRENDAN van NIEJENHUIS:** And that's a -- that

1 was a significant concern for you; right?

2 **COMM. THOMAS CARRIQUE:** Yes, it was.

3 **MR. BRENDAN van NIEJENHUIS:** Let's go to
4 OPP00004584. These are your texts with -- is it Superintendent
5 McDonell?

6 **COMM. THOMAS CARRIQUE:** It could be. We'll see
7 the texts.

8 Where are they; sorry?

9 **MR. BRENDAN van NIEJENHUIS:** I'm just trying to
10 get the rank right.

11 **COMM. THOMAS CARRIQUE:** Oh, okay. Sorry. Yes,
12 it's Superintendent Mike McDonell, yes.

13 **MR. BRENDAN van NIEJENHUIS:** Thank you.

14 And he texted you information much more
15 frequently than, for example, your Deputy Cox?

16 **COMM. THOMAS CARRIQUE:** Yes, he would have.

17 **MR. BRENDAN van NIEJENHUIS:** I'd like to go to
18 page 57, please.

19 And if you look at the -- 12:58 p.m., so about
20 8:58 in the -- or 7:58 in the morning, he says:

21 "It's totally different dynamic
22 [referring to Cornwall]. The Mohawk
23 community of Akwesasne gets a vote on
24 this one. This is their lifeline,
25 reliance on healthcare top priority.
26 All residents of Akwesasne, Ontario,
27 Quebec and New York rely on Ontario
28 health care."

1 Right?

2 **COMM. THOMAS CARRIQUE:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** And if you go down
4 the page, the further report you get is -- if you just go down
5 to the very bottom here.

6 It's being reported to you by your individual on
7 the ground that this could cause the territory to react
8 unfavourably towards the protestors.

9 **COMM. THOMAS CARRIQUE:** Sorry. This is blocked
10 out. Is this a text message to me from the Superintendent?

11 **MR. BRENDAN van NIEJENHUIS:** That's correct.

12 **COMM. THOMAS CARRIQUE:** Yes.

13 **MR. BRENDAN van NIEJENHUIS:** If you go over the
14 page, he gives you some background about the connection between
15 Akwesasne, Kanehsatake and Kahnawake?

16 **COMM. THOMAS CARRIQUE:** Yes, he does.

17 **MR. BRENDAN van NIEJENHUIS:** They'll be quick to
18 mobilize if the ask is made. The first level is a community
19 ask. Next will be a warrior ask; right?

20 **COMM. THOMAS CARRIQUE:** Yes.

21 **MR. BRENDAN van NIEJENHUIS:** And that's
22 reflecting the possibility, as he saw it, of violence inflaming
23 that particular convoy blockade in Cornwall.

24 **COMM. THOMAS CARRIQUE:** Yes.

25 **MR. BRENDAN van NIEJENHUIS:** That's a very
26 jurisdictionally complex place, is it not? Probably even more
27 so than Ottawa.

28 **COMM. THOMAS CARRIQUE:** It certainly is.

1 **MR. BRENDAN van NIEJENHUIS:** Go to the top of
2 page 59. He's reporting to you that, in his view, first there
3 will be messages of support from Kanehsatake and Kahnawake, and
4 then an ultimate from the warriors; right?

5 **COMM. THOMAS CARRIQUE:** That's what he's
6 communicating, yes.

7 **MR. BRENDAN van NIEJENHUIS:** And he's concerned
8 and you're concerned about the possibility of serious violence
9 erupting from that scenario.

10 **COMM. THOMAS CARRIQUE:** We are concerned about
11 violence erupting from that scenario, yes.

12 **MR. BRENDAN van NIEJENHUIS:** Could we go to page
13 51 of these texts?

14 Sorry, 52. Second text on the page.

15 You see that he's reporting to you that on
16 February the 11th here, 7:40 in the morning, that:

17 "Customs and border protection at the US
18 Embassy has been in contact with RCMP
19 probing Canada's law enforcement plans."

20 Right?

21 **COMM. THOMAS CARRIQUE:** Yes, I do see that. Yes.

22 **MR. BRENDAN van NIEJENHUIS:** Next text on the
23 page, he's reporting that in Windsor, the auto workers' "anger
24 and intent to counter-protest today is no doubt influencing the
25 attitude"; right?

26 **COMM. THOMAS CARRIQUE:** Yes.

27 **MR. BRENDAN van NIEJENHUIS:** Openly expressing
28 anger on mainstream and social.

1 **COMM. THOMAS CARRIQUE:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** And if you look at
3 the bottom text on the page, he reports to you that the U.S.
4 call went well.

5 "Cut to the chase, they're watching the
6 1000 Islands bridge."

7 Right?

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MR. BRENDAN van NIEJENHUIS:** So they're very
10 concerned as well about the situation in Akwesasne.

11 **COMM. THOMAS CARRIQUE:** That is the information
12 that the Superintendent has provided, yes.

13 **MR. BRENDAN van NIEJENHUIS:** And of course, you
14 relayed that to the Deputy as well.

15 **COMM. THOMAS CARRIQUE:** I can't say whether I did
16 or not. I would have to review my reports. But certainly this
17 information was very helpful to me and it informs a lot of the
18 thinking that I've already provided to the Commission in
19 relation to potential threats to national security and the need
20 to coordinate all of our efforts.

21 This is all in relation to that fateful day that
22 we talked about, being the 12th of February. All this activity
23 is happening simultaneously, Windsor, Cornwall, Ottawa, Toronto,
24 Fort Frances. It's happening right across the province.

25 **MR. BRENDAN van NIEJENHUIS:** If we go back one
26 last time, I think, to OPP00004580, page 114. This is back to
27 your texts with the Deputy.

28 All right. At the second text here, you're

1 reporting about the protestors apparently -- this is the 13th,
2 so Windsor has been cleared or sort of in the process of being
3 cleared?

4 **COMM. THOMAS CARRIQUE:** Yes. In the process of
5 being cleared.

6 We stood down operations there from a Public
7 Order standpoint on the 14th.

8 **MR. BRENDAN van NIEJENHUIS:** And you're receiving
9 information that protestors are talking about going to the
10 tunnel instead of the bridge; yes?

11 **COMM. THOMAS CARRIQUE:** That's correct, yes.

12 **MR. BRENDAN van NIEJENHUIS:** And that would have
13 been a problem, too.

14 **COMM. THOMAS CARRIQUE:** That would have been a
15 problem.

16 **MR. BRENDAN van NIEJENHUIS:** And the bottom of
17 the page, you refer here to -- "For further discussion", you say
18 to the Deputy. We see:

19 "Best step for government - I would
20 rather not see [Canadian Armed Forces]
21 playing a role off of government
22 properties. We could use special
23 constables controlled by police for
24 unarmed patrols, and immediate long-term
25 commitments to adequate policing
26 resources to both prevent and respond to
27 these events."

28 **COMM. THOMAS CARRIQUE:** Yes.

1 **MR. BRENDAN van NIEJENHUIS:** You're actively
2 considering whether or not the Canadian Armed Forces should be
3 involved from the Ontario perspective?

8 **MR. BRENDAN van NIEJENHUIS:** Oh, I thought you
9 were suggesting that the CAF should not play a role off of
10 government properties but that you could use special constables
11 controlled by police from the CAF for unarmed patrols.

18 MR. BRENDAN van NIEJENHUIS: Okay. Page 121.

23 COMM. THOMAS CARRIQUE: Okay. Thank you.

28 "A 300 person counter-protest disrupted

1 a convoy attempting to enter the city."

2 **COMM. THOMAS CARRIQUE:** Yes.

3 **MR. BRENDAN van NIEJENHUIS:** The prospect of
4 counter-protests increasingly occurring, whether in Cornwall,
5 Akwesasne or in Ottawa was an increasing safety concern, was it
6 not?

7 **COMM. THOMAS CARRIQUE:** Counter-protests were a
8 concern throughout the duration. They were.

9 **MR. BRENDAN van NIEJENHUIS:** The anger of the
10 auto workers you described in Windsor from the blockade of the
11 bridge. That was a concern about generating counterprotests
12 that could become violence?

13 **COMM. THOMAS CARRIQUE:** There was a
14 counterprotest concern, yes.

15 **MR. BRENDAN van NIEJENHUIS:** In Niagara you say
16 two attempts by demonstrators to disrupt the Peace Bridge were
17 prevented; right?

18 **COMM. THOMAS CARRIQUE:** That's correct, yes.

19 **MR. BRENDAN van NIEJENHUIS:** At Fort Frances, OPP
20 secured the bridge and border in anticipation of a demonstration
21 that was attended by 230 protestors and 92 vehicles; right?

22 **COMM. THOMAS CARRIQUE:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** And you identified
24 four outlaw motorcycle gang members there?

25 **COMM. THOMAS CARRIQUE:** Yes, we did.

26 **MR. BRENDAN van NIEJENHUIS:** And you have a
27 national report that the Pacific Highway in B.C. was blocked by
28 demonstrates? Convoys in Vancouver; right?

1 **COMM. THOMAS CARRIQUE:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** The Coutts border
3 remained blocked at that time?

4 **COMM. THOMAS CARRIQUE:** That's correct.

5 **MR. BRENDAN van NIEJENHUIS:** The Emerson border
6 in Manitoba remained blocked?

7 **COMM. THOMAS CARRIQUE:** Yes.

8 **MR. BRENDAN van NIEJENHUIS:** In New Brunswick,
9 you had two demonstrations with two arrests?

10 **COMM. THOMAS CARRIQUE:** We didn't, but they did,
11 yes.

12 **MR. BRENDAN van NIEJENHUIS:** Excuse me. We
13 Canadians did.

14 **COMM. THOMAS CARRIQUE:** Yes, thank you.

15 **MR. BRENDAN van NIEJENHUIS:** And in Prince Edward
16 Island, we experienced a convoy attempt to block the
17 Confederation Bridge that was fortunately disrupted?

18 **COMM. THOMAS CARRIQUE:** That's correct. Yes.

19 **MR. BRENDAN van NIEJENHUIS:** Now, you've told us
20 that the OPP's Intelligence Bureau commenced reporting to its
21 policing partners on January the 13th through Project Hendon;
22 right?

23 **COMM. THOMAS CARRIQUE:** That's correct. Yes.

24 **MR. BRENDAN van NIEJENHUIS:** And as the convoy
25 crossed over the Manitoba/Ontario border and travelled across
26 the province, and until it arrived in Ottawa on the 28th, OPP
27 officers professionally fulfilled their duties without incident?

28 **COMM. THOMAS CARRIQUE:** That's correct.

1 **MR. BRENDAN van NIEJENHUIS:** And you'd agree that
2 in support of the Ottawa Police Service throughout the
3 occupation, an increasing number of OPP officers were engaged?

4 **COMM. THOMAS CARRIQUE:** Yes, I would agree.

5 **MR. BRENDAN van NIEJENHUIS:** Your members
6 responded to many other convoys and demonstrations that
7 consistently and repeatedly emerged in communities across
8 Ontario?

9 **COMM. THOMAS CARRIQUE:** Yes, I agree with that.

10 **MR. BRENDAN van NIEJENHUIS:** This was a
11 provincial and national emergency that garnered international
12 attention?

13 **COMM. THOMAS CARRIQUE:** Yes.

14 **MR. BRENDAN van NIEJENHUIS:** And the OPP and more
15 than 20 other police services from across the country worked
16 collaboratively to address public order emergencies that were
17 unmatched in recent history?

18 **COMM. THOMAS CARRIQUE:** Yes, these are all
19 statements that I have made. I believe you're reading an actual
20 statement that I have delivered.

21 **MR. BRENDAN van NIEJENHUIS:** I'm trying to be
22 careful not to do so in an impermissible way.

23 The illegal Ottawa occupation was accompanied by
24 numerous other high risk Freedom Convoy related protests and
25 blockades across Canada?

26 **COMM. THOMAS CARRIQUE:** Yes. Yes. I'm not sure
27 whether you're asking me a question, asking me to confirm your
28 reading of my previous statements. So there's a little delay

1 when you look up at me.

2 MR. BRENDAN van NIEJENHUIS: Well I know nothing
3 of previous statements, but I have you under oath, so I would
4 like to ensure that I understand your answer to these questions.

5 COMM. THOMAS CARRIQUE: Okay. Thank you. So you
6 are asking me questions as to whether I agree with each of these
7 statements?

8 MR. BRENDAN van NIEJENHUIS: That's correct.

9 COMM. THOMAS CARRIQUE: Okay. Thank you for the
10 clarification.

11 MR. BRENDAN van NIEJENHUIS: Sufficiently trained
12 Public Order officers were amassed from throughout Canada and
13 deployed in an integrated, strategic, and measured manner?

14 COMM. THOMAS CARRIQUE: Correct, yes.

15 MR. BRENDAN van NIEJENHUIS: That resulted in the
16 collapse of the occupation?

17 COMM. THOMAS CARRIQUE: Correct.

18 MR. BRENDAN van NIEJENHUIS: It required
19 unprecedented national collaboration to prevent injury, preserve
20 life, and protect critical infrastructure?

21 COMM. THOMAS CARRIQUE: Yes.

22 MR. BRENDAN van NIEJENHUIS: The *Emergencies Act*
23 was an extremely valuable tool?

24 COMM. THOMAS CARRIQUE: Yes.

25 MR. BRENDAN van NIEJENHUIS: The situation was
26 identified as a threat to national security?

27 COMM. THOMAS CARRIQUE: So we've talked about
28 that. Yes.

1 **MR. BRENDAN van NIEJENHUIS:** In fact, through the
2 collection of intelligence right across the country with the
3 simultaneous events going on and the events in our nation's
4 capital, you and other law enforcement agencies collectively
5 identified a risk to national security?

6 **COMM. THOMAS CARRIQUE:** Yes. That is the -- that
7 is my opinion, that collectively, based on everything that was
8 going on around this country, that posed a risk to national
9 security. Yes, that is my opinion.

10 **MR. BRENDAN van NIEJENHUIS:** Thank you. Those
11 are my questions.

12 **COMM. THOMAS CARRIQUE:** Thank you.

13 **MR. BRENDAN van NIEJENHUIS:** Mr. Commissioner, I
14 think I have four minutes left. I'll give them to Mr. Curry.

15 **COMMISSIONER ROULEAU:** Yes, well I think you
16 should give them to the interpreters. But I will call on Mr. --
17 counsel for Mr. -- former Police Chief Sloly.

18 **--- CROSS-EXAMINATION BY TOM CURRY:**

19 **MR. TOM CURRY:** Commissioner Carrique, I'm Tom
20 Curry.

21 **COMM. THOMAS CARRIQUE:** Pleased to meet you, sir.

22 **MR. TOM CURRY:** Nice to meet you. And thank you
23 for your help with this -- the work of the Commission.

24 **COMM. THOMAS CARRIQUE:** Thank you.

25 **MR. TOM CURRY:** Chief Sloly. You have known him
26 for a long time?

27 **COMM. THOMAS CARRIQUE:** I have. Yes, sir.

28 **MR. TOM CURRY:** And if I understand, you've known

1 him in the capacity of a police leader; correct?

2 **COMM. THOMAS CARRIQUE:** Correct. So we were both
3 deputy chiefs at the same time for neighbouring police services
4 when Chief Sloly was with Toronto Police Service and I was with
5 York Regional Police.

6 **MR. TOM CURRY:** And in that capacity, as I
7 understand it, you had interactions, professional interactions
8 dealing with matters of mutual interest? Sometimes you came to
9 his jurisdiction to help the Toronto Police Service and
10 sometimes he was in York Region to help your police service?

11 **COMM. THOMAS CARRIQUE:** Absolutely. Yes.

12 **MR. TOM CURRY:** And you know him to be a
13 professional of the highest integrity?

14 **COMM. THOMAS CARRIQUE:** Yes.

15 **MR. TOM CURRY:** And a person who has devoted his
16 professional life as you have, to public service and the pursuit
17 of improvements in policing?

18 **COMM. THOMAS CARRIQUE:** Yes.

19 **MR. TOM CURRY:** Among other things, as I
20 understand it, you know him to have worked on improving the
21 provision of policing in racialized communities?

22 **COMM. THOMAS CARRIQUE:** Yes, correct.

23 **MR. TOM CURRY:** And working to advocate for an
24 improved diversity and inclusion within policing and the broader
25 community?

26 **COMM. THOMAS CARRIQUE:** Absolutely, yes.

27 **MR. TOM CURRY:** As well as, for the
28 Commissioner's purposes, you also have had experience with him

1 working in major police investigation and incidents, and the
2 hardcore work of policing?

3 **COMM. THOMAS CARRIQUE:** We were never assigned
4 together to a specific investigation, but our services were
5 involved in what we would call joint-force operations. Yes.

6 **MR. TOM CURRY:** And you talked a little bit about
7 the role of a chief or a commissioner and the obligation to
8 provide or ensure that there is adequate and effective policing
9 in the community.

10 **COMM. THOMAS CARRIQUE:** Yes.

11 **MR. TOM CURRY:** And that ---

12 **COMM. THOMAS CARRIQUE:** Shared responsibility,
13 sorry, sir, with -- in the case of a municipal police chief,
14 that is a shared responsibility between the chief and the board.

15 **MR. TOM CURRY:** Right. And in yours, the
16 Ministry of the Solicitor General provides that oversight?

17 **COMM. THOMAS CARRIQUE:** Provides that oversight.
18 And as the Commissioner, I've got some additional
19 responsibilities with regard to that that a municipal police
20 chief does not have.

21 **MR. TOM CURRY:** Right. And you've reviewed them
22 with my friend, Mr. Brousseau, I think, for us.

23 When we speak about providing adequate and
24 effective policing, or the roll of a chief or commissioner, it
25 is to provide all of the elements for the police service:
26 resources, training, and to ensure all of those -- equipment --
27 all the policies are in place? Is that right?

28 **COMM. THOMAS CARRIQUE:** That is right, sir.

1 **MR. TOM CURRY:** And of course, as you've
2 explained today and gone through some of it with us, the police
3 chief, or the commissioner, in your case, is also the face of
4 the Service to not just the community, but also to government?

5 **COMM. THOMAS CARRIQUE:** Yes, that's fair.

6 **MR. TOM CURRY:** In your case, to the Ministry of
7 the Solicitor General, as we've described, providing situational
8 updates and the like?

9 **COMM. THOMAS CARRIQUE:** Yes, there's a lot less
10 interaction between the Commissioner of the OPP and, in this
11 case, me and the Ministry, or Provincial Government, than there
12 would be with a municipal police chief, ---

13 **MR. TOM CURRY:** Right.

14 **COMM. THOMAS CARRIQUE:** --- who has monthly
15 meetings, committee meetings, and various intervals of reporting
16 that are required, where mine is an annual report and
17 interaction on an as needed basis. So ---

18 **MR. TOM CURRY:** Right. I was going to say, and
19 you've played both roles in your work previous to your
20 appointment as Commissioner when you were a deputy in York
21 Region. You would have had much more contact with your Police
22 Services Board than you do, perhaps, as a Commissioner in
23 respect of the Solicitor General?

24 **COMM. THOMAS CARRIQUE:** That is correct, yes.

25 **MR. TOM CURRY:** And that -- as we have understood
26 it, that doesn't mean that you take political -- or take
27 direction from the political sphere, but nonetheless, in the
28 case of a municipal police chief, that chief is employed by the

1 Police Services Board; right?

2 **COMM. THOMAS CARRIQUE:** So two answers, if you
3 don't mind. No, I do not take direction from any political
4 entities. And two, yes, the police chief is a direct employee
5 of the Police Services Board. In fact, under the *Police*
6 *Services Act*, there is only permissibility to have two
7 identified positions employed directly by the Board. That is
8 the Chief of Police and the Deputy Chief of Police.

9 **MR. TOM CURRY:** And you have attended Police
10 Services Board meetings and you've probably observed, as these
11 convoy events -- the protests were ongoing, the public
12 statements and other issues raised by the Ottawa Police Services
13 Board as they struggled with this problem?

14 **COMM. THOMAS CARRIQUE:** Some of which, yes. I
15 did view on online meeting. I believe it February the 6th but
16 certainly had been privy to other comments that were circulating
17 around via media and social media.

18 **MR. TOM CURRY:** Right. And the Police Services
19 Board, in trying to exercise its authority to ensure adequate
20 and effective policing in the community, was applying tremendous
21 pressure to the Police Service and to Chief Sloly; do you agree?
22 From your observation -- and I mean I've seen that one, too.
23 That one ---

24 **COMM. THOMAS CARRIQUE:** So, from that meeting, I
25 would agree with that.

26 **MR. TOM CURRY:** Right.

27 **COMM. THOMAS CARRIQUE:** That meeting, the
28 questions that were being asked, the level of detail that was

1 being requested, that would have been most appropriately
2 conducted in an in-camera private session. The Board has the
3 ability to ask the Chief information, but that -- those
4 particular questions, I felt, many of which should have been
5 done in-camera.

6 **MR. TOM CURRY:** And you also observed, probably,
7 as this was unfolding -- because it had some relevance to the --
8 to your role in respect of this resource request, you probably
9 also observed the attendance by Chief Sloly at meetings of the
10 Ottawa City Council. Or did you become aware of those?

11 **COMM. THOMAS CARRIQUE:** I can't say I became
12 specifically aware of those. I did not watch or participate in
13 any of those meetings but I would not be in any way, shape, or
14 form surprised to learn that he was participating in those.

15 **MR. TOM CURRY:** Fair. And similarly, you
16 wouldn't be surprised to that, at the level of City Council,
17 there was tremendous pressure on Chief Sloly in respect of the
18 protest that was ongoing in this community?

19 **COMM. THOMAS CARRIQUE:** I would not be surprised
20 at that at all, no.

21 **MR. TOM CURRY:** And you know, from what you saw
22 at the Police Services Board, the Board was demanding action,
23 effectively, "When are you going to end this illegal
24 occupation," and the like; you observed that?

25 **COMM. THOMAS CARRIQUE:** So I would hesitate to
26 say that I specifically observed demanding action but certainly
27 observed the questions, and I've shared my opinion that I felt
28 that should have been done in-camera.

1 **MR. TOM CURRY:** So back to the command structure,
2 if I can, for a minute. Chiefs, you've described, have -- back
3 to a municipal police service, Chief of Police would have
4 deputies usually responsible for certain functions organized as,
5 in this case we've learned, operations and intelligence
6 separated between two deputies?

7 **COMM. THOMAS CARRIQUE:** Yes, the command
8 structure, for the benefit of the Commission, is clearly defined
9 in the Police Services Act as it relates to a municipal police
10 service. There are specific ranks identified that the chief can
11 choose to utilize. Chief, deputy chief, superintendent,
12 inspector are the senior officer ranks, and then staff sergeants
13 and sergeant.

14 **MR. TOM CURRY:** Got it. And then, below that,
15 the executive command, the chief and deputies, the chain of
16 command that you've described branches into the organization all
17 the way down to constables with specialized services and the
18 like; that's usually the organization?

19 **COMM. THOMAS CARRIQUE:** That is usually the
20 organizational structure, yes.

21 **MR. TOM CURRY:** And, as a police leader, you
22 rely, and Chief Sloly would rely, on those deputies in the chain
23 of command, including subject-matter experts, to provide and
24 deliver police services?

25 **COMM. THOMAS CARRIQUE:** I rely heavily upon my
26 chain of command and police experts as a "command team", we
27 often like to refer to ourselves as, so yes.

28 **MR. TOM CURRY:** Got it. And they would, for

1 example, for the development, in a situation like this, of
2 plans, operational plans, in order to provide the kind of
3 operation that we saw played out here?

4 **COMM. THOMAS CARRIQUE:** Somebody other than the
5 Chief of Police would be responsible for the development of that
6 plan. Ultimately, the Chief of Police is responsible to ensure
7 that there's a satisfactory plan in place -- that equates to
8 adequate and effective -- but a Chief of Police would never be
9 writing that plan, no.

10 **MR. TOM CURRY:** Right. And the only time -- I
11 think you mentioned this in your examination earlier this
12 morning, that assuming that the police service has personnel
13 with the experience and expertise to execute those directions,
14 then a chief would rely on those people to deal with the matter.
15 If those people lacked experience or required additional
16 direction, then it would be appropriate for the chief to provide
17 it; would that be fair?

18 **COMM. THOMAS CARRIQUE:** To provide it to the
19 extent that they are qualified and capable of doing so and/or to
20 request the assistance of another police service to provide that
21 assistance.

22 **MR. TOM CURRY:** Got it.

23 **COMM. THOMAS CARRIQUE:** But they are responsible
24 for ensuring that that level of expertise is present and
25 available.

26 **MR. TOM CURRY:** And if the level of expertise is
27 not demonstrated in one or another role, the chief, or a deputy
28 chief, could substitute personnel, for example, an incident

1 commander or an event commander, as appropriate?

2 **COMM. THOMAS CARRIQUE:** Yes, as appropriate, yes.

3 **MR. TOM CURRY:** Okay. Now, a couple of things,
4 if I can, first of all, just to go back to the time that these
5 events unfolded. And you've talked to us, and others have,
6 about the Hendon Reports, and the Hendon Reports have really
7 provided -- really -- and quoting something that Chief Sloly has
8 said, "They've really filled a void in intelligence," and the
9 OPP has, through the Intelligence Bureau, taken on the
10 responsibility to provide intelligence that was not being
11 provided otherwise to police in communities; do you agree with
12 that?

13 **COMM. THOMAS CARRIQUE:** I would agree that we
14 satisfied a need for intelligence, as Supt. Morris has
15 articulated in relation to Shutdown Canada Movement, the Patriot
16 Movement, a need for intelligence that we saw existed in this
17 province and for collaboration in intelligence-sharing across
18 the country.

19 **MR. TOM CURRY:** And I think Supt. Morris
20 described -- I'm not going to get the right words, probably, but
21 he had told the Commissioner this isn't a silver bullet. The
22 Hendon Report provides intelligence but it is for others to
23 receive it and interpret it and take action as appropriate; is
24 that fair?

25 **COMM. THOMAS CARRIQUE:** That is fair, yes.

26 **MR. TOM CURRY:** And in respect of the Hendon
27 Reports that were produced in advance of the Freedom Convoy, as
28 you know from your experience with your own service and

1 observing what happened elsewhere across the province, different
2 people took different things from the Hendon Reports; fair?

3 **COMM. THOMAS CARRIQUE:** I would say the
4 information was used differently. In some cases, it was not
5 used; in other cases, it was not even known.

6 **MR. TOM CURRY:** Right. In the case of Ottawa,
7 were you aware that some members of your service had seen and
8 understood what the Ottawa Police Service had planned for the
9 demonstration starting on the weekend of -- beginning, I
10 suppose, January 27th?

11 **COMM. THOMAS CARRIQUE:** I was aware that,
12 specifically, Supt. Craig Abrams was engaged with the Ottawa
13 Police Service and did have a level of awareness over the
14 planning that was taking place, yes.

15 **MR. TOM CURRY:** Right. And knew more than you
16 would be expected to know, obviously, about that matter;
17 correct?

18 **COMM. THOMAS CARRIQUE:** Correct.

19 **MR. TOM CURRY:** He's the OPP's -- as an East-
20 Region Commander, he was deployed here to Ottawa in order
21 monitor that situation, provide whatever support was required;
22 fair?

23 **COMM. THOMAS CARRIQUE:** Not to monitor the
24 situation but to lend the assistance that was required.

25 **MR. TOM CURRY:** Right. And he was responsible
26 for picking up the convoys that travelled through the East
27 Region and ensuring that they were -- and he described it that
28 OPP assets were around the convoy to make sure that their truck

1 passages were safe; is that fair?

2 **COMM. THOMAS CARRIQUE:** He was part of an overall
3 operational plan that was overseen by a Major Critical Incident
4 Commander, Insp. Varga, and then there were various incident
5 commanders along the way. Fair to say that Supt. Abrams was the
6 strategic superintendent that was overseeing the operations in
7 East Region that had responsibility for the convoy as it
8 travelled on the King's Highways.

9 **MR. TOM CURRY:** Right. And no consideration came
10 to you from anyone in the -- in Ontario within your service that
11 the convoy should somehow be stopped outside of the -- either at
12 the Manitoba border, or the Quebec border, or outside of the
13 City of Ottawa; is that fair?

14 **COMM. THOMAS CARRIQUE:** That would not be fair.
15 That was considered. That was discussed but there were no
16 provisions in law to stop that convoy any time while enroute to
17 Ottawa. There was no way to determine that any of those
18 participants were going to be engaged in any unlawful activity.
19 We have a right to ensure lawful assembly, respect the Canadian
20 Charter of Rights and Freedoms; and had there been any criminal
21 infractions along the way, I'm confident my officers would have
22 dealt with that.

23 **MR. TOM CURRY:** Got it. So -- and in respect of
24 what might have been described in the Hendon Report at the
25 absence of an exit strategy or that kind of language. That
26 would not have provided a basis for the OPP to deny the
27 protesters the right to access the municipality; fair?

28 **COMM. THOMAS CARRIQUE:** We would not have had

1 sufficient authorities to deny them the right to access the
2 municipality. I think as you get closer to locations of
3 concern, there are ample authorities in common law, as well as
4 in the *Highway Traffic Act*, to prevent access to certain areas.

5 **MR. TOM CURRY:** Got it. And the same was true,
6 obviously, in Windsor. Based on what was known, the OPP did not
7 ever come to the conclusion that it should block access to the
8 Ambassador Bridge, for example, prior to that blockade taking
9 place?

10 **COMM. THOMAS CARRIQUE:** Ambassador Bridge is
11 actually in the jurisdiction of Windsor Police and not in OPP
12 jurisdiction, but certainly not prior to that. And a different
13 situation as well, not hundreds of trucks travelling at one
14 point in time together. That was a slightly different
15 situation. But to directly respond to your question, sir, we
16 did not have the authorities to stop any of that movement while
17 on the King's highways or within our jurisdiction.

18 **MR. TOM CURRY:** Right. Even after the Ottawa
19 protest was underway and had started by that time I suppose to
20 become labelled as an occupation?

21 **COMM. THOMAS CARRIQUE:** That's right. You know,
22 there's nothing saying that even though the Ottawa protest is on
23 way, that does not mean that somebody wishing to engage in
24 lawful protest should be stopped from doing so.

25 **MR. TOM CURRY:** Understood.

26 **COMM. THOMAS CARRIQUE:** So it's determining that
27 demarcation point that I talked about earlier, when does it
28 become unlawful? When does it become necessary for the police

1 to exercise their authorities, which I believe they managed very
2 judiciously.

3 **MR. TOM CURRY:** A couple of quick things. I'm
4 not going to pull up the document, but are you aware that a
5 situation report dated January 27th from the OPP described the
6 Ottawa Police Service as having developed a robust plan that
7 would allow for the capacity to accommodate 3,000 commercial
8 vehicles?

9 **COMM. THOMAS CARRIQUE:** I am aware of that, and
10 it was my understanding that Ottawa Police did have a plan to
11 deal with the enormous amount of vehicles that were arriving.

12 **MR. TOM CURRY:** And did you know that
13 Superintendent Abrams knew that they were going to be allowed to
14 go downtown?

15 **COMM. THOMAS CARRIQUE:** That I did not know. No,
16 sir.

17 **MR. TOM CURRY:** And the -- once the -- one quick
18 thing, if I could, just in terms of the timing. Is it fair to
19 say that some folks in the OPP felt that this would likely be
20 over by the end of the weekend?

21 **COMM. THOMAS CARRIQUE:** I can't say what folks
22 within the OPP would have ---

23 **MR. TOM CURRY:** Okay.

24 **COMM. THOMAS CARRIQUE:** --- opined on. I would
25 hesitate to say that.

26 **MR. TOM CURRY:** Sure. I was just trying to take
27 a shortcut but let me help you with it.

28 And, Mr. Registrar, do you mind showing us,

1 please, OPP4582, and when you get there, it's page 13. These
2 are just ---

3 **COMM. THOMAS CARRIQUE:** Thank you for your
4 assistance.

5 **MR. TOM CURRY:** --- some messages, this one from
6 I think Deputy Commissioner Harkins. Should be the 27th of
7 January and, yeah, there -- it's the middle blue one. Yeah,
8 just stop there.

9 So and I'm not -- leaving aside the time of day,
10 27th, do you see it says "just FYI, I was to be off on a
11 [vacation]..." It says vday, must be "vacation day tomorrow..."

12 **COMM. THOMAS CARRIQUE:** Yes.

13 **MR. TOM CURRY:** "...but with this protest I
14 can't, to [sic] much on the go. So I
15 switched it to Monday."

16 And he was taking -- he was subbing out a day off
17 on Friday for a day off on Monday.

18 **COMM. THOMAS CARRIQUE:** Yes.

19 **MR. TOM CURRY:** Do you see that? In the
20 expectation, do you agree that whilst there would be business to
21 do on Friday, it would probably not be interfering with his
22 vacation on Monday?

23 **COMM. THOMAS CARRIQUE:** I would not agree with
24 that, no.

25 **MR. TOM CURRY:** Okay.

26 **COMM. THOMAS CARRIQUE:** Deputy Commissioner
27 Harkins is indicated here he's going to work remotely from the
28 house in Orillia. He had a construction project on the go where

1 he would have had to be at another location, I believe, on the
2 Monday. He was also not directly supervising this particular
3 operation. As we talked about the rank structure and the
4 distance between a command officer and operations, Deputy
5 Commissioner Harkins is responsible for almost 6,000 people in
6 field operations spread over 5 regions. He has other
7 responsibilities other than this. This, at this point, was
8 being managed by East Region with oversight from the Emergency
9 Operations Centre through the Major Critical Incident Commander.
10 So long-winded way of saying I don't find that this indicates in
11 any way, shape or form that he thought it would be concluded on
12 Monday.

13 **MR. TOM CURRY:** And but who knows whether he got
14 his vacation day Monday. He might not have.

15 **COMM. THOMAS CARRIQUE:** I don't know. I can't
16 say. I somehow suspect he didn't, and ---

17 **MR. TOM CURRY:** Right.

18 **COMM. THOMAS CARRIQUE:** --- even if he tried to,
19 I'm pretty sure I would have interfered with it.

20 **MR. TOM CURRY:** Yeah, got it. Okay. Because
21 very quickly, the Ottawa Police Service was overwhelmed with
22 this protest; fair?

23 **COMM. THOMAS CARRIQUE:** Very quickly they were
24 overwhelmed with this protest.

25 **MR. TOM CURRY:** And they were never going to have
26 had the resources themselves to manage the numbers of people,
27 the numbers of trucks and the nature of the protest as it turned
28 out to be; is that fair?

1 **COMM. THOMAS CARRIQUE:** Not on their own, and as
2 it turned out to be, no, they definitely required assistance.

3 **MR. TOM CURRY:** And the resource issue was
4 identified very early on as something that was going to be
5 required; is that true?

6 **COMM. THOMAS CARRIQUE:** You know, I -- generally
7 I would say yes. I think Ottawa Police can more specifically
8 identify when that was identified, but I was aware that Ottawa
9 Police had made provisions with other police services as well
10 for additional resources. So OPP was not the only police
11 service in Ottawa that first weekend and throughout, and that's
12 where it became even more valuable to coordinate all of those
13 resources.

14 **MR. TOM CURRY:** And in so far as you learned,
15 they knew -- they needed, by the time it was said and done, I
16 think you told us they needed around the 1800 that Chief Sloly
17 had identified.

18 **COMM. THOMAS CARRIQUE:** Actually, in excess of
19 2,000. I think it's closer to 2,200. Please don't hold me to
20 that number, but an approximate number.

21 **MR. TOM CURRY:** And when the -- when Chief Sloly
22 first raised the need for resources, and I think you told us you
23 had early contact with him and consistent contact with him
24 through the piece; is that fair?

25 **COMM. THOMAS CARRIQUE:** Yes, that would be fair.

26 **MR. TOM CURRY:** And when he asked for those
27 resources, the resources were -- was it flagged with the service
28 that those resources would have to be organized to come along to

1 Ottawa to help out?

2 **COMM. THOMAS CARRIQUE:** So not 1700 police
3 officers and 100 civilian members. The OPP could not facilitate
4 that. It was absolutely flagged with the service to provide the
5 resources that we could, that were required for identified
6 tasks, and you see the numbers build throughout the duration of
7 the convoy that ---

8 **MR. TOM CURRY:** And ---

9 **COMM. THOMAS CARRIQUE:** --- exemplify that.

10 **MR. TOM CURRY:** Right. And the resources that
11 were required, that were set out and my friends asked you about
12 the table that set out specific roles and responsibilities and
13 so on, would have allowed your -- I assume that that got to the
14 right people in the sense of the resource centre ---

15 **COMM. THOMAS CARRIQUE:** Yeah.

16 **MR. TOM CURRY:** --- so that they could know that
17 those resources will be required at some point soon; is that
18 fair?

19 **COMM. THOMAS CARRIQUE:** They started to work on
20 amassing the availability of resources. That is fair.

21 **MR. TOM CURRY:** And at the same time that a plan
22 is being made, resources can be mobilized; is that true?

23 **COMM. THOMAS CARRIQUE:** Can be coordinated and
24 the mobilization would depend on the phase of the plan and the
25 timing of the plan, but certainly, you ought to be starting to
26 coordinate the availability of those resources.

27 **MR. TOM CURRY:** And there were -- you had Chief
28 Superintendent Pardy on the scene by I think the 8th of February?

1 **COMM. THOMAS CARRIQUE:** Correct. So I received
2 the request on the 7th of February. We assigned Chief Pardy the
3 assignment that day, that evening actually. He met with us
4 first thing on the 8th, and then he made his way to Ottawa
5 immediately.

6 **MR. TOM CURRY:** And Chief Sloly had -- you
7 reviewed with us an email I think that Chief Sloly sent to you
8 in the first few days. I can't recall -- I won't pull it up in
9 the time that we have, but recall that he had identified some
10 frontline officers required, and he had identified I think, as
11 well, some command structure that he required; is that true?

12 **COMM. THOMAS CARRIQUE:** Yes, that is true. So we
13 had a conversation on January the 31st, and then on February the
14 1st, he gave me a heads up via text that a request for resources
15 would be coming, and then I believe that that formal request
16 came on February the 2nd, and it was actioned immediately.

17 **MR. TOM CURRY:** Right.

18 **COMM. THOMAS CARRIQUE:** And some of those
19 resources were already on ground in Ottawa.

20 **MR. TOM CURRY:** Right. Now, in the case of
21 Windsor, I understand from the -- and I won't take the time to
22 pull the document up, but just for your reference, Commissioner,
23 the -- and for my friends, the witness statement of
24 Superintendent Earley, which is WTS22, identifies that she had -
25 - well, maybe I better show you, just so that we can ---

26 **COMM. THOMAS CARRIQUE:** Okay.

27 **MR. TOM CURRY:** --- we have it.

28 Please, WTS22. And when you get there, if you

1 could go to page 6, please.

2 This goes to the question of when
3 Superintendent Earley got resources in relation to when her plan
4 was finalised?

5 **COMM. THOMAS CARRIQUE:** Yes.

6 **MR. TOM CURRY:** Essentially two tracks there; is
7 that fair?

8 **COMM. THOMAS CARRIQUE:** I'm not sure I understand
9 the statement there in terms ---

10 **MR. TOM CURRY:** Sure. Let's go to ---

11 **COMM. THOMAS CARRIQUE:** --- of two tracks.

12 **MR. TOM CURRY:** --- go to the second... Well,
13 resources are being mobilised while the plan is being drawn.

14 **COMM. THOMAS CARRIQUE:** Yes, as was in Ottawa.
15 If you look at the number of resources that we had on any given
16 day on average 135, building up to over 400 resources on any
17 given day before the plan had been finalised.

18 **MR. TOM CURRY:** And when we speak about a plan,
19 we're talking really about a Public Order Plan?

20 **COMM. THOMAS CARRIQUE:** It's much more than that.
21 The Public Order component is one piece of an overall
22 Operational Plan.

23 **MR. TOM CURRY:** Is it the piece that requires the
24 most resources?

25 **COMM. THOMAS CARRIQUE:** It is typically the piece
26 that requires the most resources. I believe the initial
27 assessment, when the Integrated Planning Team arrived to provide
28 assistance in Ottawa, was that they would require 800 Public

1 Order Member Units, and that would require initiating requests
2 from outside of Ontario from other provinces to assist us.

3 **MR. TOM CURRY:** Got it. Okay, just look, please,
4 at the February...

5 Sorry, that is page 6? And -- there it is.

6 See the paragraph, second paragraph:

7 "At the February 10 planning meeting,
8 Superintendent Earley selected a
9 February 12 end-of-day deadline...
10 she would have received and approved
11 Inspector Younan's public order plan
12 and all...required resources would have
13 arrived."

14 So at the 10th planning meeting, very different
15 operation in Windsor, much easier than Ottawa; correct?

16 **COMM. THOMAS CARRIQUE:** Different, not as
17 complex. I hesitate to use the term "easier" because of ---

18 **MR. TOM CURRY:** Fair enough.

19 **COMM. THOMAS CARRIQUE:** --- connectivity to all
20 of the other activities happening nationally across the country.

21 **MR. TOM CURRY:** I'll take "complexity".

22 **COMM. THOMAS CARRIQUE:** Thank you, sir.

23 **MR. TOM CURRY:** A much less complex. Thank you.
24 So at the planning meeting on the 10th, and I think that may
25 have been when Superintendent Earley arrived, she had already by
26 then initiated the resource requests. Is that true?

27 **COMM. THOMAS CARRIQUE:** It appears as though she
28 has, and she has also identified a specific date in which the

1 plan would be operationalised. So there would need to be
2 significant amount of detail in terms of how many resources we
3 required on what date and for what anticipated duration.

4 **MR. TOM CURRY:** Right.

5 **COMM. THOMAS CARRIQUE:** And I believe they were
6 estimating a two to four day duration on this event.

7 **MR. TOM CURRY:** Some of those resources came from
8 Ottawa.

9 **COMM. THOMAS CARRIQUE:** My understanding is there
10 were two Public Order sections of the Royal Canadian Mounted
11 Police that did reposition from Ottawa to Windsor. I do not
12 believe that there was a single OPP officer that was moved from
13 Ottawa to Windsor, and in fact, our numbers increased by almost
14 200, I believe, between the 12th and the 14th in Ottawa.

15 **MR. TOM CURRY:** Right.

16 **COMM. THOMAS CARRIQUE:** We also had to rely upon
17 Public Order Units from other jurisdiction. London, for
18 example. So this is where the Public Order Hub that we
19 activated on February the 8th formalised. They were able to
20 analyse and determine what Public Order Units were required when
21 to mitigate what threats within what time period.

22 **MR. TOM CURRY:** Understood. It was RCMP assets
23 that moved from Ottawa to Windsor?

24 **COMM. THOMAS CARRIQUE:** That is my understanding,
25 yes.

26 **MR. TOM CURRY:** Yeah, mine too.

27 Could we go to page 9, please. Second paragraph.
28 This is just to...

1 Just a little bit up, please. Thank you.

2 Do you see it says:

3 "Superintendent Earley discussed the
4 relationship between requesting
5 resources and planning...when she took
6 command February 9..."

7 I was wrong. It's the 9th not the 10th:

8 "...[Windsor Police Service] did not
9 know the specific numbers and types of
10 officers it required and that the
11 on-the-ground situation on February 9
12 dictated bringing in additional
13 frontline and traffic officers to
14 ensure public and officer safety. OPP
15 accordingly sent as many officers as
16 possible."

17 **COMM. THOMAS CARRIQUE:** As we did in Ottawa. So
18 you will recall from Superintendent Abrams's message, we
19 initially deployed frontline officers to assist with traffic
20 management and traffic points. That started with 18 officers,
21 that built to 30, and then when it built to 60, it went beyond
22 the capacity of East Region, and we started moving resources
23 from around the province, and that was done in the absence of an
24 overall -- an overarching Operational Plan to bring an end to
25 the demonstration. So very similar situations.

26 **MR. TOM CURRY:** Yeah. In those -- I'm going to
27 move -- I've only got a few more minutes. I'm going to just ---

28 **COMM. THOMAS CARRIQUE:** Yes.

1 **MR. TOM CURRY:** --- move real quick if I can to
2 the plan, the Operational Plan ---

3 **COMM. THOMAS CARRIQUE:** Yes.

4 **MR. TOM CURRY:** --- and this question about
5 whether Chief Sloly had impeded the finalisation of the plan.
6 You had some dealings with him throughout you've
7 told us?

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MR. TOM CURRY:** And with Commissioner Lucki.
10 If I could show you, please, OPP4580.

11 And Mr. Registrar, when we get there, could you
12 go to page 109, please?

13 Just while that's coming up, Commissioner, there
14 were -- as you were receiving -- you were receiving information
15 from a lot of different people; right? Some of it turned out
16 not to be reliable. Would that be fair?

17 **COMM. THOMAS CARRIQUE:** In terms of relationships
18 within the Ottawa Police Service or just in general?

19 **MR. TOM CURRY:** Yes. Well, I could say in
20 general, but take your example. There were a lot of rumours
21 circulating around that turned out not to be true about
22 Chief Sloly's attitude towards this issue or that issue or what
23 he was doing or not doing, and you went sometimes straight to
24 him to get things corrected. Is that true?

25 **COMM. THOMAS CARRIQUE:** Where I felt appropriate.

26 **MR. TOM CURRY:** Right.

27 **COMM. THOMAS CARRIQUE:** I was not also going to
28 be bothering the Chief with rumours that I did not think were

1 relevant or were impeding or hindering the Operational progress,
2 compromising officer or community safety.

3 **MR. TOM CURRY:** Right. One of the problems that
4 you observed, you agree with about this, that in a number of
5 areas, owing probably to the unique nature of this event,
6 Chief Sloly's ability to deliver a solution here was impeded by
7 rumours and unreliable information? Can I give you an example?

8 **COMM. THOMAS CARRIQUE:** Yes. Yes, please.

9 **MR. TOM CURRY:** Yes. The 1,500 -- the
10 miscommunication about 1,500 OPP officers on the ground caused,
11 I think you told us, it caused an unfortunate -- it caused
12 issues for Chief Sloly because he then had to answer to people
13 as to why he wasn't making effective use of 1,500 OPP officers.

14 **COMM. THOMAS CARRIQUE:** Yes.

15 **MR. TOM CURRY:** And that turned out to be an
16 unfortunate situation.

17 **COMM. THOMAS CARRIQUE:** Yes.

18 **MR. TOM CURRY:** Equally, the idea that on the 5th
19 of February, the Government of Canada, in whatever that means,
20 because the note isn't so obvious, I suppose, had lost
21 confidence in Chief Sloly by February the 5th, was -- made it
22 more challenging for him to succeed. Is that fair?

23 **COMM. THOMAS CARRIQUE:** It was definitely
24 challenging.

25 **MR. TOM CURRY:** And he had a lot of... One of
26 the things that you've talked to us about was
27 Superintendent Abrams's comment that Chief Sloly's estimate of
28 the number of resources that he needed had been the result of

1 simply a random doubling of the actual number he needed. That
2 turned out not to be correct.

3 **COMM. THOMAS CARRIQUE:** That turned out not to be
4 correct. Whether the statement was made or not, I have to
5 accept Superintendent Craig Abrams at his word, and Chief Sloly
6 can confirm or deny that. But we certainly determined that the
7 number was not far off ---

8 **MR. TOM CURRY:** Right.

9 **COMM. THOMAS CARRIQUE:** --- what was required.

10 **MR. TOM CURRY:** And I won't trouble you with what
11 the record is about that, but ---

12 **COMM. THOMAS CARRIQUE:** Yes.

13 **MR. TOM CURRY:** --- suffice it to say it might've
14 operated in the minds of others, I appreciate it didn't operate
15 in your mind, you disregarded it, but others might have imagined
16 that there was something unreliable about the number. Is that
17 fair?

18 **COMM. THOMAS CARRIQUE:** That is fair.

19 **MR. TOM CURRY:** And it would be unfortunate if
20 they had?

21 **COMM. THOMAS CARRIQUE:** Yes.

22 **MR. TOM CURRY:** Real quick. You see this 12 --
23 this is February the 12th. This is a text message from you to
24 the Deputy just updating him. And if we take Mr. van
25 Niejenhuis's calculation, we back that up, that's about 4:58 on
26 the 12th. Do you see that?

27 **COMM. THOMAS CARRIQUE:** Yes.

28 **MR. TOM CURRY:**

1 "Chief Sloly has accepted the plan.
2 Hope to have it signed tonight."

3 **COMM. THOMAS CARRIQUE:** Correct, yes.

4 **MR. TOM CURRY:** And you had that directly, I
5 suppose from Chief Sloly; is that fair?

6 **COMM. THOMAS CARRIQUE:** No, that would have
7 either been through Deputy Commissioner Harkins or through Chief
8 Supt. Carson Pardy. So at this point, Chief Pardy is the
9 primary contact with Chief Sloly there to support him.

10 **MR. TOM CURRY:** Okay. So at least from the
11 afternoon, late afternoon of the 12th, so far as the OPP was
12 concerned, the plan was approved by Chief Sloly, or at least,
13 there wasn't any further requirement for him to do anything
14 about it?

15 **COMM. THOMAS CARRIQUE:** Correct.

16 **MR. TOM CURRY:** Now, can I ask you please to look
17 at OPS14454, just to get your help with a couple of other
18 things?

19 **COMMISSIONER ROULEAU:** You're out of time, as you
20 know, so ---

21 **MR. TOM CURRY:** Thank you. I'm going to wrap
22 this up.

23 So I have taken us to the wrong document, Mr. --
24 oh, no, I have not. I guess it's 160 -- page 164. Page 164,
25 scroll down, please. And I'm going to leave it. I'm going to -
26 - oh, there it is. Thank you. Just scroll down if you don't
27 mind. Just up a little bit, please?

28 Chief is Chief Sloly?

1 **COMM. THOMAS CARRIQUE:** Sorry, sir. Whose notes
2 are these?

3 **MR. TOM CURRY:** These are scribe notes from a
4 meeting that you had with Carson Pardy and Chief Sloly,
5 Commissioner Luckie, I think, and a number of other people.

6 **COMM. THOMAS CARRIQUE:** On what date, sorry?

7 **MR. TOM CURRY:** It started -- 12th -- in the
8 afternoon.

9 **COMM. THOMAS CARRIQUE:** Thank you.

10 **MR. TOM CURRY:** But I think essentially it is the
11 plan approval discussion, so I'm going to leave it there. I'm
12 out of time.

13 Thank you, Commissioner.

14 **COMM. THOMAS CARRIQUE:** Thank you very much.

15 **COMMISSIONER ROULEAU:** Thank you. I think next -
16 - well, we can take the morning break now or a bit later. I
17 think there's a sense we should take it now.

18 So we'll take a 15-minute break and continue on
19 our return.

20 **THE REGISTRAR:** The Commission is in recess for
21 15 minutes. La Commission est levée pour 15 minutes.

22 --- Upon recessing at 3:54 p.m.

23 --- Upon resuming at 4:12 p.m.

24 --- **COMM. THOMAS CARRIQUE, Resumed:**

25 **THE REGISTRAR:** Order. À l'ordre.

26 The Commission is reconvened. La Commission
27 reprend.

28 **COMMISSIONER ROULEAU:** Okay. Just before we

1 continue, I just want to, for the record, I should have noted it
2 when the matter came up in questioning from Mr. Curry, he made
3 reference to the witness statement of Supt. Earley. And for the
4 record, that statement will not be marked as an exhibit until
5 Supt. Earley comes to testify. So just so the media and public
6 don't look for it on the website, but practice is if we're
7 calling the witness, it normally will not be made public until
8 the witness adopts it.

9 So with that precision, I think I'm now calling
10 on the Ottawa Police Service.

11 Okay. So there's been a trade. Fine.

12 **MR. DAVID MIGICOVSKY:** It's not a trade.

13 **COMMISSIONER ROULEAU:** Oh. And are there future
14 considerations?

15 Okay. So just so I'm clear, are you -- you're
16 giving up your time to the city?

17 **MS. ALYSSA TOMKINS:** No, I'll clarify.

18 **COMMISSIONER ROULEAU:** Okay.

19 **MS. ALYSSA TOMKINS:** We've agreed to swap. I
20 just have a couple of clarifications that I anticipate being
21 quite brief, and I will cede the remainder of my time, should
22 there be any, which I hope there is, to my friend, counsel for
23 the Ottawa Police Service.

24 **COMMISSIONER ROULEAU:** Okay.

25 **--- CROSS-EXAMINATION BY MS. ALYSSA TOMKINS:**

26 **MS. ALYSSA TOMKINS:** So it's Alyssa Tomkins, for
27 the record. Counsel for the City of Ottawa.

28 As I said, Commissioner, just a couple of little

1 precisions. Not much from us today.

2 So just in terms of the number of resources on
3 the ground, I'm just going to take you to the witness summary
4 for Supt. Abrams.

5 This one is in evidence. So it's WTS00000013.
6 And it'll be page 9, clerk. So if we could just scroll down a
7 bit?

8 And, Commissioner, if you see, in the paragraph
9 starting with "After the February 9th meeting," when we get to, I
10 think it's a very long sentence. So the second sentence:

11 "By February 14[th], OPP support to OPS
12 had increased from 60 officers per day to
13 150 per day. On February 15,
14 Superintendent Abrams was informed that
15 400 additional OPP members would arrive by
16 February 17."

17 So just in terms of the resources on the ground,
18 do you have any basis to contradict Supt. Abrams here?

19 **COMM. THOMAS CARRIQUE:** Not to contradict, but I
20 have been made available to me specific numbers of resources in
21 various charts which are not necessarily consistent with that.
22 And if it's permissible to the Commissioner, I'd be more than
23 happy to share those through future evidence.

24 **MS. ALYSSA TOMKINS:** Okay. I don't think much
25 turns on it. We just wanted to track that.

26 Are those charts -- were they provided to your
27 counsel?

28 **COMM. THOMAS CARRIQUE:** You would have to ask my

1 counsel that.

2 **MS. ALYSSA TOMKINS:** Okay. Well I'll assume ---

3 **COMM. THOMAS CARRIQUE:** They can certainly be
4 made available.

5 **MS. ALYSSA TOMKINS:** --- that your counsel is
6 going to deal with this issue.

7 **COMM. THOMAS CARRIQUE:** Yes.

8 **MS. ALYSSA TOMKINS:** We just want to know what
9 the numbers are, like I said, whose evidence to prefer. So
10 we'll leave that to your counsel to clarify and explain whether
11 or not these numbers are accurate.

12 So one more small precision.

13 **COMM. THOMAS CARRIQUE:** Yes.

14 **MS. ALYSSA TOMKINS:** In terms of the letter from
15 the Mayor and Chair Deans, I don't think I need to bring it up,
16 we all -- you recall which letter we're talking about? The one
17 to the Solicitor General.

18 **COMM. THOMAS CARRIQUE:** Yes, I do.

19 **MS. ALYSSA TOMKINS:** We just wanted to clarify,
20 so when a copy of that letter was forwarded to you, was that the
21 first time you had received the request from Chief Sloly?

22 **COMM. THOMAS CARRIQUE:** I believe so. So we had
23 spoken. I knew there was a request coming. But that was the
24 only formal request that I had received in relation to the
25 1,800. Chief Sloly had made previous requests of me, informally
26 and formally, and I think entered as an exhibit into these
27 proceedings have been the communication from February the 2nd.

28 **MS. ALYSSA TOMKINS:** Okay. But in terms of the

1 sort of larger ask, you did not receive a letter from Chief
2 Sloly that reflected the same ask as is in the letter that the
3 Mayor and Chair Deans sent to the Solicitor General?

4 **COMM. THOMAS CARRIQUE:** No, I did not receive two
5 copies of the same letter, or what would resemble a similar
6 request.

7 **MS. ALYSSA TOMKINS:** Okay. That's perfect.
8 Thank you so much, Commissioner. That's ---

9 **COMM. THOMAS CARRIQUE:** Thank you.

10 **COMMISSIONER ROULEAU:** Okay. So the Ottawa
11 Police Service.

12 **--- CROSS-EXAMINATION BY MR. DAVID MIGICOVSKY:**

13 **MR. DAVID MIGICOVSKY:** Good afternoon,
14 Commissioner. My name is David Migicovsky.

15 **COMM. THOMAS CARRIQUE:** Good afternoon.

16 **MR. DAVID MIGICOVSKY:** I'm appearing for the
17 Ottawa Police Service. How are you?

18 **COMM. THOMAS CARRIQUE:** I'm good, thank you. How
19 are you?

20 **MR. DAVID MIGICOVSKY:** Not to badly, thanks.

21 I want to talk about the Hendon Reports. And I
22 understand from your evidence that you're very familiar with
23 those Reports?

24 **COMM. THOMAS CARRIQUE:** Yes. I hesitate to say
25 I'm very familiar. Sounds like a leading question, counsellor.

26 **MR. DAVID MIGICOVSKY:** That's what we aim for.

27 **COMM. THOMAS CARRIQUE:** Yes.

28 **MR. DAVID MIGICOVSKY:** The amount of information

1 that the OPP obtained about the convoy and its plans for Ottawa
2 I take it was something that evolved with time? Is that fair?

3 **COMM. THOMAS CARRIQUE:** Yes, it evolved with
4 time. It was a constant process of collecting the information,
5 analyzing it, and disseminating it, which was all part of the
6 intelligence process.

7 **MR. DAVID MIGICOVSKY:** And so if we looked at --
8 we know that the first reference to the convoy coming was on
9 January 13th. But at that point, there was little known about
10 it. in fact, even the dates of arrival in Ottawa were not yet
11 known? Is that right?

12 **COMM. THOMAS CARRIQUE:** I would like to refer to
13 the Intelligence report to say specifically what was in there,
14 but that was the first formal communication through Hendon about
15 the convoy.

16 **MR. DAVID MIGICOVSKY:** Okay. And so on -- as
17 time passed, I think more information became known; correct?

18 **COMM. THOMAS CARRIQUE:** That is correct, yes.

19 **MR. DAVID MIGICOVSKY:** And so on January 20th, I
20 understand there was still more information, but at that point,
21 there were no numbers with respect to the number of
22 demonstrators or vehicles? Is that right?

23 **COMM. THOMAS CARRIQUE:** I can't say that there
24 were no numbers with respect to demonstrators or vehicles. I
25 wouldn't characterize them as demonstrators at that point in
26 time. Numbers would have been in relation to the number of
27 vehicles in the convoy. So if that information was available,
28 it would have been contained in there.

1 **MR. DAVID MIGICOVSKY:** And so I can call it up,
2 although I think it's ---

3 **COMM. THOMAS CARRIQUE:** Certainly.

4 **MR. DAVID MIGICOVSKY:** --- already in the record.
5 But if you'd like to see the January 20th one, I can.

6 **COMM. THOMAS CARRIQUE:** I have no reason to
7 dispute it, ---

8 **MR. DAVID MIGICOVSKY:** Okay.

9 **COMM. THOMAS CARRIQUE:** --- I just can't say for
10 certainty without having it in front of me.

11 **MR. DAVID MIGICOVSKY:** Okay. And as the convoy
12 grew closer to Ottawa, there was more information obtained, and
13 the type of information, and the reliability of the information
14 also changed; correct?

15 **COMM. THOMAS CARRIQUE:** I wouldn't say that it
16 changed, as much as it evolved. And I believe on the January
17 20th Hendon Report, there was information about it being a long-
18 term, no exit plan, unresolvable requests were being made. So
19 there was a substantial amount of information in that report.

20 **MR. DAVID MIGICOVSKY:** And so there's a constant
21 evolution, correct?

22 **COMM. THOMAS CARRIQUE:** Correct, yes.

23 **MR. DAVID MIGICOVSKY:** And so when I looked at
24 the Hendon Reports on January 22nd and 23rd, for instance, the
25 information that I see there will be more current than the
26 information I see on the 13th or the 20th, correct?

27 **COMM. THOMAS CARRIQUE:** That is correct. It
28 would be more current, but you cannot dismiss the information

1 you have received previously. One Hendon Report does not
2 replace a previous report.

3 **MR. DAVID MIGICOVSKY:** Right. But sometimes
4 there's contradictory information. Something is in one Hendon
5 Report that is not in another, or there's different information
6 because there's social media that's being monitored in those
7 reports, correct?

8 **COMM. THOMAS CARRIQUE:** There can be new
9 information in those reports, yes.

10 **MR. DAVID MIGICOVSKY:** And so I see, sir, that on
11 January 23rd, is actually the first time that we learn in the
12 Hendon Reports of an arrival date in Ottawa of the 28th, which
13 is the Friday. Do you recollect that?

14 **COMM. THOMAS CARRIQUE:** I can't say that I
15 recollect that without having the Hendon Report in front of me.
16 As you've identified, they're coming out on a daily basis, so I
17 hesitate to say specifically what was in what report to that
18 level of detail, but happy to review it if you'd like to show it
19 to me, sir.

20 **MR. DAVID MIGICOVSKY:** Okay. Well, it is in the
21 record, so I don't want to waste time by ---

22 **COMM. THOMAS CARRIQUE:** Okay.

23 **MR. DAVID MIGICOVSKY:** --- taking you to it, but
24 what I understand is that the very first time we see an
25 indication of numbers in the convoy is on January 25th, and
26 those are very preliminary numbers, and so if you can accept
27 that you do recall that there was a delay until numbers of
28 vehicles in the convoy became known; is that correct?

1 **COMM. THOMAS CARRIQUE:** I would not agree as
2 categorizing that as a delay. Once that information was known,
3 that information would have been disseminated.

4 **MR. DAVID MIGICOVSKY:** Sure. I'm not suggesting
5 -- I apologize -- I'm not suggesting that there's any fault, I'm
6 just saying you get more information as you get closer in time
7 and the information evolves, right?

8 **COMM. THOMAS CARRIQUE:** That is correct, yes.

9 **MR. DAVID MIGICOVSKY:** And so I see that on --
10 when numbers do appear -- and there's some more numbers in the
11 Hendon Report on January 26th -- I see there's always a caveat
12 that you can't be certain about the numbers. That's something
13 that's unknown at this point and can constantly change, correct?

14 **COMM. THOMAS CARRIQUE:** That would subject to
15 constant change and at various points throughout the travels of
16 the convoy as they went through OPP jurisdictions. There were
17 other products produced over and above Hendon Reports. There
18 were situational reports that would have been shared at a
19 command level made available to each region, and therefore, at
20 the point of integrating in any form or fashion, I would hope
21 would have been made available to Ottawa Police as well.

22 So I just wouldn't want to leave you with the
23 impression that Hendon was the only source of information or
24 operability -- interoperability.

25 **MR. DAVID MIGICOVSKY:** And so what I see when I
26 looked at the January 26th Hendon Report is I see something
27 called "Intelligence Gaps", and an intelligence gap means you
28 don't have information about the subject matter listed in --

1 under intelligence gap, correct?

2 **COMM. THOMAS CARRIQUE:** That is correct, and I
3 believe Supt. Pat Morris did a nice job of explaining what an
4 intelligence gap is. It's where information is being sought to
5 create a clearer picture.

6 **MR. DAVID MIGICOVSKY:** And so what I see on the
7 January 26th Hendon Report is, there is an intelligence gap as
8 to plans for departing. And so what that means is, there is no
9 information about whether they're staying or whether they're
10 leaving or when they're staying until, correct, because it's a
11 gap.

12 **COMM. THOMAS CARRIQUE:** I would hesitate to say
13 that that is correct. There -- I believe there was information
14 contained previously in the Hendon Reports that there was no
15 date that they would be leaving, and that there was a commitment
16 to staying long term. The specific dates, no, were not
17 identified, but there was evidence or there was information that
18 was available to indicate this would be more than a weekend.

19 **MR. DAVID MIGICOVSKY:** Well, I think you've just
20 agreed with me that an intelligence gap means you don't have
21 information about it. So I'm happy to turn up the January 26th
22 one just so that you can see where I'm taking that from, okay?

23 **COMM. THOMAS CARRIQUE:** Absolutely. And I think
24 it would helpful to reference any previous Hendon Reports that
25 may have indicated what they knew at that time.

26 **MR. DAVID MIGICOVSKY:** Yeah. I wonder if we
27 could -- just because we've referred to it -- see OPP00000811?
28 And so if we could scroll towards the page 6 or 7, say? Okay.

1 Yeah, sorry, perfect, thank you.

2 And so you'll see "Intelligence Gaps", and then
3 and intelligence gap is the last bullet, plans for departing
4 Ottawa.

5 **COMM. THOMAS CARRIQUE:** Correct.

6 **MR. DAVID MIGICOVSKY:** So that tells us we don't
7 know when they are departing Ottawa. We don't know whether it's
8 Saturday, Sunday, Monday, Tuesday, or in a week from now,
9 correct?

10 **COMM. THOMAS CARRIQUE:** Correct. Correct, thank
11 you.

12 **MR. DAVID MIGICOVSKY:** Because it's a gap. And
13 in fact, it's actually -- and we don't see the colours on this
14 version -- but there are certain things that are shown as
15 priority intelligence gaps, which means it's even more important
16 to get information about those things, correct?

17 **COMM. THOMAS CARRIQUE:** Yes.

18 **MR. DAVID MIGICOVSKY:** And so you would agree
19 with me that the last bullet, the gap as to the plan for
20 departing Ottawa, which you don't have information about, is not
21 a priority, correct?

22 **COMM. THOMAS CARRIQUE:** I can't say that that is
23 not a priority. No, I would not agree with that.

24 **MR. DAVID MIGICOVSKY:** Okay. So we don't,
25 unfortunately, have the -- but my understanding is the bold
26 print is what is in red, and so I'm simply suggesting that the
27 print, the last bullet, which is not bolded, was not shown as a
28 priority intelligence gap.

1 **COMM. THOMAS CARRIQUE:** If that is the case, I
2 will take your word for it.

3 **MR. DAVID MIGICOVSKY:** Okay. And I take it from
4 this Hendon Report, there's no indication that some are staying
5 or some are leaving or some may be staying for a period of time
6 and some may be staying for longer. We don't find that in this
7 Hendon Report, do we?

8 **COMM. THOMAS CARRIQUE:** Well, I would have to
9 reference the report. You're asking me to comment on the
10 content of a report that I can't see the content of, so I
11 hesitate to do that, sir.

12 **MR. DAVID MIGICOVSKY:** Okay. Let me move on.
13 There was an email, if we could turn it up, please? It's
14 OPP00001007.

15 And so that's an email on the 28th?

16 **COMM. THOMAS CARRIQUE:** Yes.

17 **MR. DAVID MIGICOVSKY:** If you just want to scroll
18 down to the bottom -- from Deputy Commissioner Cox. Deputy
19 Commissioner Cox reports to you; is that correct?

20 **COMM. THOMAS CARRIQUE:** That is correct. He
21 does.

22 **MR. DAVID MIGICOVSKY:** And so Deputy Commissioner
23 Cox says on the 28th, which is on the Friday, that:

24 "There's been great collaboration among
25 our intelligence bureau units as well
26 as with our policing partners along the
27 route to Ottawa, and the established
28 integration and cooperation between the

1 RCMP, Ottawa Police, Sûreté du Québec,
2 Parliamentary Protection Services, and
3 the OPP, along with the planning
4 undertaken by the OPS, have positioned
5 us well to maintain safety and security
6 throughout the weekend."

7 Correct?

8 **COMM. THOMAS CARRIQUE:** That's what he has cited,
9 yes, sir.

10 **MR. DAVID MIGICOVSKY:** Right. And then if you
11 scroll up, and Supt. Morris is the one who's in charge of
12 intelligence at the OPP, correct?

13 **COMM. THOMAS CARRIQUE:** That is correct, yes.

14 **MR. DAVID MIGICOVSKY:** And so I believe that what
15 Supt. Morris does is he concurs with that, correct?

16 **COMM. THOMAS CARRIQUE:** Correct.

17 **MR. DAVID MIGICOVSKY:** Okay. Thank you very much.

18 **COMM. THOMAS CARRIQUE:** So as a point of context,
19 I think it's important to note that Deputy Commissioner Chuck
20 Cox is solely overseeing the POIB initiative in this, the
21 Provincial Operational Intelligence Bureau, and he would be
22 referencing to the integration and information sharing taking
23 place across intelligence units, and he would not be inferring
24 to any other operational entities that he would not have any
25 insight into.

26 **MR. DAVID MIGICOVSKY:** And as I understand it,
27 the OPP had individuals embedded at the NCRCC in the days
28 leading up to the arrival of the convoy?

1 **COMM. THOMAS CARRIQUE:** That's correct, sir, yes.

2 **MR. DAVID MIGICOVSKY:** And would have been
3 working side by side with the Ottawa Police, the RCMP, PPS, et
4 cetera?

5 **COMM. THOMAS CARRIQUE:** I'm not sure how they
6 were situated in there, but they were certainly there to ensure
7 that the deployment of our resources were done in accordance
8 with our operational objectives and to lend whatever support was
9 necessary.

10 **MR. DAVID MIGICOVSKY:** And your officers would
11 have also been integrated into the JIG, the Joint Intelligence
12 Group?

13 **COMM. THOMAS CARRIQUE:** You would have to ask
14 that of Superintendent Pat Morris as to specifically where the
15 officers were positioned. I hesitate to mislead you with not
16 knowing that for certain.

17 **MR. DAVID MIGICOVSKY:** Okay. And you would
18 assume that the individuals at the NCRCC would be -- who are
19 working together would be sharing information with each other?

20 **COMM. THOMAS CARRIQUE:** I would assume if they're
21 working together, they're sharing information. But if you're
22 citing specifically intelligence reports, these are going
23 directly into the Ottawa Police Service, directly in to
24 identified members of Ottawa Police, directly into the
25 Intelligence Unit within Ottawa Police. It would not be the
26 responsibility of an OPP officer sitting in the National Capital
27 Region Command Centre, who has other responsibilities outside of
28 intelligence to ensure that Ottawa Police is in receipt of this

1 intelligence and has actioned it.

2 **MR. DAVID MIGICOVSKY:** My understanding, sir, and
3 I take it you won't disagree with me because you simply don't
4 know, is that the information was then fed up into the JIG.

5 **COMM. THOMAS CARRIQUE:** I will take your advice
6 on that. If you have that information, I can't disagree with
7 that.

8 **MR. DAVID MIGICOVSKY:** And I take it that the OPP
9 recognizes the right to peaceful protest?

10 **COMM. THOMAS CARRIQUE:** Absolutely, sir, yes.

11 **MR. DAVID MIGICOVSKY:** And although that --
12 there's a recognition as well that peaceful protest can result
13 in severe inconvenience for residents of a city and a
14 neighbourhood?

15 **COMM. THOMAS CARRIQUE:** It can, yes.

16 **MR. DAVID MIGICOVSKY:** And significant traffic
17 disruption?

18 **COMM. THOMAS CARRIQUE:** Peaceful protest can
19 result in significant traffic disruption, yes.

20 **MR. DAVID MIGICOVSKY:** And Superintendent Cox
21 noted, and I won't take you to the document ---

22 **COMM. THOMAS CARRIQUE:** Sorry, sir, if I can,
23 Superintendent Cox or Deputy Commissioner Cox or Superintendent
24 Morris. I just want to make sure I'm orientating myself to the
25 right individual.

26 **MR. DAVID MIGICOVSKY:** Sure. I gather in the
27 document that I think Mr. Curry took you to, we saw that the OPP
28 was of late receiving requests for intelligence and open source

1 information on societal actors and many of those are social
2 movements that diverge from the main stream. And there was some
3 concern expressed about requests for information that did not
4 relate to intelligence operations. You recall that?

5 **COMM. THOMAS CARRIQUE:** I do recall that, yes.

6 **MR. DAVID MIGICOVSKY:** And the concern was
7 potential targets who may not be engaging in criminal actions
8 but oppose government policy and engage in protests.

9 **COMM. THOMAS CARRIQUE:** Yes.

10 **MR. DAVID MIGICOVSKY:** And so we have to
11 distinguish there are those individuals who are not engaged in
12 criminal activities but support peaceful protests, the OPP would
13 support their right to exercise their right to protest?

14 **COMM. THOMAS CARRIQUE:** If involved, we would
15 certainly facilitate the lawful right to protest.

16 **MR. DAVID MIGICOVSKY:** And certainly, the
17 information that was available prior to the arrival of the
18 convoy was that by and large it was expected to be peaceful;
19 correct?

20 **COMM. THOMAS CARRIQUE:** There were comments about
21 potential weapons. There were reference to civil war, but there
22 was nothing that empowered anyone to take enforcement action
23 prior to the convoy arriving in Ottawa.

24 **MR. DAVID MIGICOVSKY:** Right. There was a need
25 to address those sort of fringe elements, and in fact, that was
26 planned for. There was a POU plan. The OPP was available to
27 assist in case there was going to be a January 6 type event?

28 **COMM. THOMAS CARRIQUE:** We did have Public Order

1 assets on ground, and to the extent of a Public Order Plan, I'm
2 not certain, but we did have Public Order assets on ground, as
3 did other municipal police services in the aid to Ottawa, yes.

4 **MR. DAVID MIGICOVSKY:** And we therefore expected
5 that the rest of the protesters were going to be, for the most
6 part, peaceful?

7 **COMM. THOMAS CARRIQUE:** Can't say that we would
8 expect that the rest of the protesters, I'm not sure if you're
9 referring to those that we had concerns about as a possible
10 fringe movement?

11 **MR. DAVID MIGICOVSKY:** No, I'm talking about we
12 had plans for the fringe movements and for lone actors.

13 **COMM. THOMAS CARRIQUE:** Okay.

14 **MR. DAVID MIGICOVSKY:** But for the most part, the
15 intelligence that was coming was that the majority, it was
16 expected, were professing to be espousing peaceful objectives?

17 **COMM. THOMAS CARRIQUE:** Certainly, the contact
18 that was had between PLT and those that they perceived to be
19 protest organizers were indicating that it would be peaceful.

20 **MR. DAVID MIGICOVSKY:** Sure. And because it was
21 expected to be peaceful, you wouldn't stop them from coming; is
22 that fair?

23 **COMM. THOMAS CARRIQUE:** We would not stop anyone
24 that we didn't have lawful authority to, meaning that we would
25 have to have reasonable and probable grounds that they were
26 about to or had committed a criminal offence.

27 **MR. DAVID MIGICOVSKY:** And, Commissioner
28 Carrique, in a statement I believe you issued to all OPP members

1 in which you were putting them on notice of operational
2 deployment, you refer to the need in Ottawa for unprecedented
3 resource deployments, and you described Ottawa as an ever-
4 evolving major event. And I take it you would agree with that
5 characterization?

6 **COMM. THOMAS CARRIQUE:** Oh, yes, I would.

7 **MR. DAVID MIGICOVSKY:** In -- can I ask that we
8 turn up, please, OPP00001550? And so if we can just scroll
9 down, please, to page 2 of 4? And if we can continue to scroll
10 down, please? Thank you. Or just go up a bit. Just a little
11 bit further up. Thanks very much.

12 And so what we -- sorry, if we just want to go a
13 little bit higher? I apologize.

14 Chief Sloly asked certain questions. This was
15 with respect to one of the weekends that was coming up in
16 Ottawa. Do you recall that?

17 **COMM. THOMAS CARRIQUE:** Yes, I do.

18 **MR. DAVID MIGICOVSKY:** And so one of the
19 questions that was being asked of Deputy -- of the Deputy
20 Commissioner was there were five questions; correct? And
21 question two was "What will be the exact number of trucks on
22 Saturday?" And three was "the number of protesters in each
23 location currently". Do you recall those questions being asked?

24 **COMM. THOMAS CARRIQUE:** I do, yes.

25 **MR. DAVID MIGICOVSKY:** And so if we could then
26 just scroll down a little bit to where it says row two, thank
27 you. And so what we see in row two, in terms of the number of
28 trucks to arrive on Saturday, this just cannot be known;

1 correct?

2 **COMM. THOMAS CARRIQUE:** Correct.

3 **MR. DAVID MIGICOVSKY:** Because it's impossible to
4 have that kind of advance information.

5 **COMM. THOMAS CARRIQUE:** To exactly know how many
6 trucks would be arriving, it would be impossible, yes.

7 **MR. DAVID MIGICOVSKY:** And with respect to number
8 four, the question about the number of people that Chief Sloly
9 was asking about, the answer is,

10 "The number of people to attend any of
11 these locations tomorrow is not the
12 subject of "confirmed intelligence".
13 It[']s a matter of inductive logic and
14 extrapolation based upon precedent and
15 social media organization - and also
16 weather conditions and actions taken
17 elsewhere."

18 Do you see that?

19 **COMM. THOMAS CARRIQUE:** I do see that, yes.

20 **MR. DAVID MIGICOVSKY:** And we see if we scroll up
21 to that email, go up, please? You will -- continue, please.
22 You'll see that was then forwarded to you from Deputy Cox, and
23 he's asking you here's how we -- like, seeking your guidance on
24 how we send this to Chief Sloly; correct?

25 **COMM. THOMAS CARRIQUE:** Yes, it appears so, yes.

26 **MR. DAVID MIGICOVSKY:** And then if we just go up
27 to the very top of the email, you'll see you're in agreement as
28 indicated, please, and then if you keep going. Yeah, and so

1 you'll see -- sorry, at the bottom, he's asking you if you want
2 to send that along, and you indicate at the top to go ahead and
3 send it; correct?

4 **COMM. THOMAS CARRIQUE:** To go ahead and send it,
5 yes.

6 **MR. DAVID MIGICOVSKY:** And so it's a matter of
7 logic and extrapolation based upon precedent and social media
8 and weather predicting that information; correct?

9 **COMM. THOMAS CARRIQUE:** That is what
10 Superintendent Pat Morris has cited, yes.

11 **MR. DAVID MIGICOVSKY:** And prior to this
12 demonstration, Ottawa had considerable experience with
13 demonstrations and special events.

14 **COMM. THOMAS CARRIQUE:** Yes.

15 **MR. DAVID MIGICOVSKY:** And obviously had a lot of
16 precedent to draw upon?

17 **COMM. THOMAS CARRIQUE:** Yes.

18 **MR. DAVID MIGICOVSKY:** And you would agree with
19 me that this demonstration was unprecedented?

20 **COMM. THOMAS CARRIQUE:** In many ways it was, yes.

21 **MR. DAVID MIGICOVSKY:** And so in future, Ottawa
22 would be able to rely upon this demonstration as a precedent for
23 what it does in the future; correct?

24 **COMM. THOMAS CARRIQUE:** Yes.

25 **MR. DAVID MIGICOVSKY:** Thanks. You can take that
26 down, please.

27 I understand that things were -- there was a lot
28 going on on the ground in Ottawa, and we've heard that there was

1 a -- an incident where I think there were 18 OPP officers and
2 there was a concern that they had been there and some of them
3 had not been deployed. Do you remember that?

4 **COMM. THOMAS CARRIQUE:** I remember concerns over
5 OPP officers being there, available for duty, and had not been
6 deployed, both from a frontline perspective but also the Police
7 Liaison Team. I do recall that.

8 **MR. DAVID MIGICOVSKY:** And so there is an OPS
9 situational report, and I don't need to take you to it, but that
10 talks about a situation on February 14th where OPP officers by
11 mistake let vehicles into the red zone, but fortunately they
12 were caught and turned back by the RCMP and the OPS. And those
13 kinds of mistakes can sometimes happen in chaotic situations,
14 like was happening in Ottawa?

15 **COMM. THOMAS CARRIQUE:** Yes, they can, yes.

16 **MR. DAVID MIGICOVSKY:** Okay. I understand that
17 Toronto dealt with a convoy that was expected on, I believe, two
18 weekends in February; correct? The 5th and the weekend of the
19 12th?

20 **COMM. THOMAS CARRIQUE:** The 12th, which was the
21 same date as the email you just reviewed with me, yes.

22 **MR. DAVID MIGICOVSKY:** Right. And when we looked
23 at some notes, I saw that Chief -- is it Chief Ramer?

24 **COMM. THOMAS CARRIQUE:** Ramer.

25 **MR. DAVID MIGICOVSKY:** Ramer.

26 **COMM. THOMAS CARRIQUE:** Toronto Police
27 Chief James Ramer. Yes.

28 **MR. DAVID MIGICOVSKY:** And he referred to the

1 first weekend, and I'll just turn up the document.

2 It's OPP00001132. And it's on page 9. Oh, I'm
3 sorry, I've given you the -- I'm sorry. It's... Sorry, I've
4 lost the reference.

5 But maybe you can... Eleven-thirty-two was
6 actually time in the notes, but ---

7 **COMM. THOMAS CARRIQUE:** Okay.

8 **MR. DAVID MIGICOVSKY:** --- in any event,
9 Chief Ramer referred to the first weekend, and what he said was,
10 and I quote:

11 "Using Ottawa, they locked down the
12 city. Had Ottawa not happened, TPS,
13 Toronto Police Service, tactics would
14 not have been accepted." (As read)

15 Do you recall that?

16 **COMM. THOMAS CARRIQUE:** I can't say I recall that
17 word for word, but I certainly had conversation with
18 Chief Ramer, and I know that he would tell you that he
19 benefitted from the experience in Ottawa to be able to respond
20 in Toronto. He would also share with you that they have a
21 pre-determined lockdown plan for certain areas of Toronto which
22 is exercised on a regular basis, and built in coordination with
23 the City.

24 **MR. DAVID MIGICOVSKY:** And I understand that the
25 OPP, with respect to at least the second weekend, I'm not
26 certain about the first weekend in Toronto, provided some
27 assistance in locking down Toronto and preventing the vehicles
28 from coming to the Queen's Park area. Is that correct?

1 **COMM. THOMAS CARRIQUE:** We did, yes.

2 **MR. DAVID MIGICOVSKY:** And in that case, I
3 believe in Toronto, the vehicles for the most part were not
4 large trucks; correct?

5 **COMM. THOMAS CARRIQUE:** That is correct. For the
6 most part they were not, and they were not in the numbers that
7 Ottawa had dealt with either.

8 **MR. DAVID MIGICOVSKY:** Right. And so we've heard
9 that you assisted Toronto in taking some pre-emptive steps to
10 prevent the Ottawa situation; correct?

11 **COMM. THOMAS CARRIQUE:** Correct, yes.

12 **MR. DAVID MIGICOVSKY:** And so we also heard that
13 in Ottawa, before the convoy arrived, that the OPP assisted in
14 getting the vehicles safely into the city; correct?

15 **COMM. THOMAS CARRIQUE:** We have heard that, yes.

16 **MR. DAVID MIGICOVSKY:** Okay. And we heard that
17 on the weekend of February 5th, when Chief Sloly talked about
18 closing all 417 exits because there were more convoys coming, he
19 was told that the OPP would not permanently close all exits
20 unless there was an immediate public safety risk, which there
21 wasn't; correct?

22 **COMM. THOMAS CARRIQUE:** Can't say that there
23 wasn't an immediate public safety risk. I am aware that there
24 was some resistance to closing the 417 exits, that was brought
25 to my attention, and I thought, in my opinion, that that was a
26 reasonable and lawful request and that we would facilitate it.

27 **COMMISSIONER ROULEAU:** Now, you're out of time.
28 So if you could try and wrap up, please.

1 **MR. DAVID MIGICOVSKY:** You indicated that you had
2 some -- you were going to have an uncomfortable discussion on
3 February 15th with Chief Sloly; is that correct?

4 **COMM. THOMAS CARRIQUE:** I don't recall describing
5 it as an uncomfortable conversation. It was a professional
6 conversation that I felt needed to happen, and one that I was
7 confident that I could have with Chief Sloly.

8 **MR. DAVID MIGICOVSKY:** Right. But you obviously
9 had concerns at that point, and I'll just -- if I just may ask
10 you a couple of questions just to finish this up. You had some
11 concerns about the state of the Operational Plan and what was
12 going on at OPS at the time; correct?

13 **COMM. THOMAS CARRIQUE:** About the challenges that
14 were being reported with operationalising and activating the
15 plan, yes.

16 **MR. DAVID MIGICOVSKY:** And so if I may just refer
17 you to the last document, which is OPS00004578.

18 If you can keep going.

19 Sorry, I'm not going to -- I'll try to do this
20 faster.

21 **COMM. THOMAS CARRIQUE:** Okay.

22 **MR. DAVID MIGICOVSKY:** Would you agree with me
23 that what -- Chief Bell took over, then, on -- immediately after
24 Chief Sloly resigned?

25 **COMM. THOMAS CARRIQUE:** That he took over
26 immediately after Chief Sloly resigned?

27 **MR. DAVID MIGICOVSKY:** Yes.

28 **COMM. THOMAS CARRIQUE:** Yes, I would agree with

1 that.

2 **MR. DAVID MIGICOVSKY:** And I believe two days
3 later you didn't need to have that conversation with him?

4 **COMM. THOMAS CARRIQUE:** With Chief Sloly? No, I
5 did not.

6 **MR. DAVID MIGICOVSKY:** No, the conversation you
7 were going to have with Chief Sloly you didn't need to have with
8 Interim Chief Bell?

9 **COMM. THOMAS CARRIQUE:** No, we did have a
10 conversation within Interim Chief Bell, a very similar
11 conversation, to determine that there were no obstacles in
12 moving forward with the plan. We clarified Command and Control
13 lines of communication, and we moved forward. So it would've
14 been a very similar conversation with Chief Sloly, I just can't
15 indicate at this point what the outcome would be. I would be,
16 you know ---

17 **MR. DAVID MIGICOVSKY:** Sure.

18 **COMM. THOMAS CARRIQUE:** --- not in a position to
19 do that.

20 **MR. DAVID MIGICOVSKY:** Sure. And just to finish
21 it off. What you said to him a couple of days later was it was
22 an outstanding job and you thanked him, and a couple of days
23 later you told him he knocked the ball out of the park, and
24 things seemed to be going very well. Is that fair?

25 **COMM. THOMAS CARRIQUE:** That is fair, yes.

26 **MR. DAVID MIGICOVSKY:** Okay. Thank you very much
27 ---

28 **COMM. THOMAS CARRIQUE:** Thank you.

1 **MR. DAVID MIGICOVSKY:** --- Commissioner.

2 **COMM. THOMAS CARRIQUE:** Thank you.

3 **COMMISSIONER ROULEAU:** Okay. Next, I'd like to
4 call on the convoy organisers.

5 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

6 **MR. BRENDAN MILLER:** Good afternoon,
7 Commissioner.

8 **COMM. THOMAS CARRIQUE:** Good afternoon.

9 **MR. BRENDAN MILLER:** My name's Brendan Miller,
10 and I am counsel to Freedom Corp, which is an entity that's
11 representing the protesters and truckers that were in Ottawa in
12 January and February of 2022.

13 First, thank you for your service, and it's nice
14 to meet you.

15 **COMM. THOMAS CARRIQUE:** Thank you.

16 **MR. BRENDAN MILLER:** So to begin, I understand --
17 I'm just going to go through some of your background. I
18 understand you have a Masters in Leadership from Royal Roads
19 University with a focus on justice and public safety; is that
20 correct?

21 **COMM. THOMAS CARRIQUE:** That is correct, yes.

22 **MR. BRENDAN MILLER:** And you also have a
23 Certificate in Terrorism Studies from St. Andrews University in
24 Scotland; right?

25 **COMM. THOMAS CARRIQUE:** That is correct, yes.

26 **MR. BRENDAN MILLER:** And you've been in policing
27 since 1990.

28 **COMM. THOMAS CARRIQUE:** Yes, I have been.

1 **MR. BRENDAN MILLER:** So 32 years of experience --
2 -

3 **COMM. THOMAS CARRIQUE:** Yes.

4 **MR. BRENDAN MILLER:** --- and an education in that
5 area to boot; right?

6 So you testified that you heard the evidence of
7 Superintendent Morris.

8 **COMM. THOMAS CARRIQUE:** Portions of, yes.

9 **MR. BRENDAN MILLER:** Right. And you said that
10 he's, in your Chief, the foremost authority in the Province of
11 Ontario regarding Intelligence.

12 Is that right?

13 **COMM. THOMAS CARRIQUE:** That is my opinion, yes.

14 **MR. BRENDAN MILLER:** And I take it you agree with
15 his testimonies and opinions he gave? I take it that's correct?

16 **COMM. THOMAS CARRIQUE:** I have no listened to his
17 testimony in totality, but I would have no reason not to agree
18 with anything that he would provide as evidence.

19 **MR. BRENDAN MILLER:** Right. And I'm sure you
20 might have heard the answers he gave to the questions I put to
21 him with respect to threats under section 2 of the *CSIS Act*. Do
22 you remember hearing that?

23 **COMM. THOMAS CARRIQUE:** I can't say that
24 specifically I remember that interaction.

25 **MR. BRENDAN MILLER:** Right. Well he testified,
26 essentially, in summary, that there was no intelligence of a
27 credible threat under section 2 of the *CSIS Act*. Would you
28 agree with that?

1 **COMM. THOMAS CARRIQUE:** There was no intelligence

2 ---

3 **MR. BRENDAN MILLER:** There was no credible
4 intelligence.

5 **COMM. THOMAS CARRIQUE:** There was no credible
6 intelligence of a threat?

7 **MR. BRENDAN MILLER:** Yes.

8 **COMM. THOMAS CARRIQUE:** That -- I would agree
9 with that.

10 **MR. BRENDAN MILLER:** Right. And so it's fair to
11 say that based on all OPP intelligence and the intelligence
12 provided by the RCMP and federal intelligence agencies to the
13 OPP, to your knowledge, there was no credible threat to the
14 security of Canada as defined in section 2 of the *CSIS Act*?

15 **COMM. THOMAS CARRIQUE:** That would be my
16 understanding, yes, as determined by Supt. Pat Morris, in
17 consultation with CSIS and the RCMP.

18 **MR. BRENDAN MILLER:** Thank you. And I'm sure
19 you're aware that to invoke the *Emergencies Act*, that sort of
20 threat is supposed to be required?

21 **COMM. THOMAS CARRIQUE:** I do not have intimate
22 knowledge of the threshold that's required for invoking the
23 *Emergencies Act*. That's not something that I have any
24 responsibility for.

25 **MR. BRENDAN MILLER:** Thank you. And in my next
26 question, when I say federal civil service or federal civil
27 servant, I just want you to understand that I mean anyone from
28 Deputy Minister down who is a non-elected, non-political actor

1 working for the Government of Canada. Is that understood?

2 **COMM. THOMAS CARRIQUE:** That's understood. Yes.

3 **MR. BRENDAN MILLER:** Now, in your interactions
4 with the members of the federal civil service prior to 11:59
5 p.m. on February 13th, 2022, isn't it true that no civil servant
6 ever said to you that there was a credible threat of the nature
7 of that defined in section 2 of the *CSIS Act*?

8 **COMM. THOMAS CARRIQUE:** That is correct.

9 **MR. BRENDAN MILLER:** And they never said to you
10 that they had reasonable grounds to believe that such a threat
11 existed; did they?

12 **COMM. THOMAS CARRIQUE:** Nobody ever said that to
13 me.

14 **MR. BRENDAN MILLER:** Thank you. So I want to
15 talk with you about -- everyone's given various catchphrases to
16 what was happening in Ottawa, but no one has really gone through
17 what is a protest or, you know, essentially a lawful
18 demonstration, et cetera, and you seem to have an understanding
19 of that. so I'm going to walk through that with you, if that's
20 okay.

21 **COMM. THOMAS CARRIQUE:** Certainly.

22 **MR. BRENDAN MILLER:** Can you agree that in
23 general protest law and sort of criminal offences, that you
24 essentially have three types? You have your lawful protest
25 protected under section 2(b) and 2 -- all section 2, really of
26 the Charter?

27 **COMM. THOMAS CARRIQUE:** Yes.

28 **MR. BRENDAN MILLER:** Yeah. And then you have

1 unlawful assembly?

2 **COMM. THOMAS CARRIQUE:** Yes.

3 **MR. BRENDAN MILLER:** And then you have riot?

4 **COMM. THOMAS CARRIQUE:** Yes.

5 **MR. BRENDAN MILLER:** Right. So those are really
6 the three sort of categories of these assemblies? Is that fair?
7 Demonstrations.

8 **COMM. THOMAS CARRIQUE:** That's fair.

9 **MR. BRENDAN MILLER:** All right. So I just want
10 to start with lawful protest. And you touched on that. And
11 lawful protest, as you said, is protected by the Charter, and
12 that's primarily section 2. And can you agree that the freedom
13 of religion, freedom of speech, and freedom of association, they
14 collectively, essentially, protect people's right to assemble
15 and protest?

16 **COMM. THOMAS CARRIQUE:** Yes.

17 **MR. BRENDAN MILLER:** Right. And people are
18 entitled to gather in groups in public spaces and protest
19 government action as long as they don't, essentially, move into
20 an unlawful assembly; correct?

21 **COMM. THOMAS CARRIQUE:** Correct, yes.

22 **MR. BRENDAN MILLER:** Right. And they can get
23 together in large numbers, go outside parliament, and protest?

24 **COMM. THOMAS CARRIQUE:** I can't say to what
25 extent they can go outside Parliament. There's the *Trespass to*
26 *Property Act* that has to be taken into consideration as well,
27 and I'm not familiar enough with what is permitted on those
28 grounds to say yes or no.

1 **MR. BRENDAN MILLER:** Right. But they can go in
2 public spaces?

3 **COMM. THOMAS CARRIQUE:** Yes.

4 **MR. BRENDAN MILLER:** Okay. And then unlawful
5 assembly, police have the power, under section 63 of the
6 *Criminal Code* to arrest and charge people for the offence of
7 unlawful assembly; right?

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MR. BRENDAN MILLER:** And you don't need any form
10 of special order for that? That can just be carried out by a
11 police officer?

12 **COMM. THOMAS CARRIQUE:** That is correct.

13 **MR. BRENDAN MILLER:** Right. And I take it that
14 you're aware that an unlawful assembly is where three or more
15 people with a common purpose assemble in such a manner and
16 conduct themselves to cause persons in the neighbourhood of the
17 assembly ---

18 **COMMISSIONER ROULEAU:** Slowly when you're
19 reading, please.

20 **MR. BRENDAN MILLER:** Yes. Sorry. I'm now fast
21 Brendan. I thought I was slow Brendan after hearing my friend.
22 But I will try to get on to that.

23 So it's when they assemble in such a manner that
24 conduct themselves to cause persons in the neighbourhood of the
25 assembly to fear, on reasonable grounds, that they will disturb
26 the peace tumultuously, or needlessly cause or provoke other
27 persons to disturb the peace tumultuously. You're aware of
28 that?

1 **COMM. THOMAS CARRIQUE:** I'm aware of that. That
2 sounds very familiar with what is in the *Criminal Code*. I
3 hesitate to agree word for word without having it in front of
4 me, ---

5 **MR. BRENDAN MILLER:** Yeah.

6 **COMM. THOMAS CARRIQUE:** --- but it sounds very
7 reasonable. Thank you.

8 **MR. BRENDAN MILLER:** And I take it you're aware
9 that to disturb the peace tumultuously requires there to be more
10 than a boisterous or noisy disorderly conduct? It has to be
11 something a little more?

12 **COMM. THOMAS CARRIQUE:** Yes.

13 **MR. BRENDAN MILLER:** Right. And you know that
14 causing an actual disturbance to the peace tumultuously actually
15 isn't required to even arrest people for unlawful assembly, it
16 just has to be that there's a reasonable fear that it's going to
17 happen. That's what really differentiates it from a riot;
18 right?

19 **COMM. THOMAS CARRIQUE:** I would agree with that.

20 **MR. BRENDAN MILLER:** Right. And that an unlawful
21 assembly, you know -- a lawful assembly can, at times, of
22 course, become an unlawful assembly when it becomes unruly and
23 gets into the riot category; right?

24 **COMM. THOMAS CARRIQUE:** Yes.

25 **MR. BRENDAN MILLER:** Okay. And so I understand,
26 and you probably understand, that a riot, in order to get into a
27 riot under the law, it requires actual or threatened force or
28 violence in addition to, you know, the public disorder; right?

1 **COMM. THOMAS CARRIQUE:** Yes.

2 **MR. BRENDAN MILLER:** And even without this, if
3 you don't even get to that threshold, you're aware, and we've
4 heard about the *Riot Act* and the *Criminal Code* that a mayor,
5 sheriff, or a Justice of the Peace, or a Justice of the Ontario
6 Court of Justice can come out and read the *Riot Act* and invoke
7 it and demand people disperse?

8 **COMM. THOMAS CARRIQUE:** I'm familiar that that is
9 contained in the *Criminal Code*. I don't have intimate knowledge
10 of that though.

11 **MR. BRENDAN MILLER:** Right. And then of course,
12 outside of all of this, you have injunctions.

13 **COMM. THOMAS CARRIQUE:** Yes.

14 **MR. BRENDAN MILLER:** And any individual, or the
15 City, can run off and make an application for an injunction
16 before a court of confident jurisdiction, and if they meet the
17 test, the Court can grant an injunction. And then once that
18 injunction is granted, if it's not followed, the police then
19 have jurisdiction under section 127 of the *Criminal Code* to
20 charge individuals with violating a court order?

21 **COMM. THOMAS CARRIQUE:** That is correct. Yes.

22 **MR. BRENDAN MILLER:** All right. So those are the
23 general things that exist outside of the *Emergencies Act*; right?
24 They're there always?

25 **COMM. THOMAS CARRIQUE:** That is correct. Yes.

26 **MR. BRENDAN MILLER:** Okay. So I now want to talk
27 to you about Ottawa in particular, now that we've gone over
28 that.

1 Now, regarding the truckers and the protestors in
2 Ottawa, I understand they rolled in here and did so at the
3 direction of police officers. Once they arrived. Not, of
4 course, didn't -- they weren't invited. But when they arrived
5 here on January 27th and 28th, is it your understanding that they
6 parked where they were told to originally and everything was
7 essentially coordinated originally about where they were going
8 to go?

9 **COMM. THOMAS CARRIQUE:** So I don't know that I
10 can comment with accuracy on that, because as you will recall
11 from my previous testimony, I was under the understanding that
12 there would be designated parking, which would not facilitate
13 any form of protest out in front of the Parliament buildings.

14 **MR. BRENDAN MILLER:** Okay.

15 **COMM. THOMAS CARRIQUE:** So that would best be
16 posed to Ottawa Police, who were in charge of the operation ---

17 **MR. BRENDAN MILLER:** Right.

18 **COMM. THOMAS CARRIQUE:** --- at the time.

19 **MR. BRENDAN MILLER:** And we can agree then that,
20 you know, parking on streets and highways in a way that would
21 usually violate the law, right, where they're essentially
22 blocking everything, that could be considered an unlawful
23 assembly?

24 **COMM. THOMAS CARRIQUE:** That could be, yes. And
25 there are authorities to deal with that.

26 **MR. BRENDAN MILLER:** Right. And I take it though
27 that you're familiar with the Doctrine of Officially Induced
28 Error, where the government official tells you to do something

1 that may be illegal, but because they tell you to do it, you
2 don't believe it to be? You're familiar with that from your
3 studies?

4 **COMM. THOMAS CARRIQUE:** Sorry, can you repeat
5 that, sorry?

6 **MR. BRENDAN MILLER:** The Doctrine of Officially
7 Induced Error, where a government official tells you to do
8 something that may in fact not be legal, but you do it because
9 the government official tells you to, and therefore you believe
10 that it is legal, because they told you to do it. are you
11 familiar with that Doctrine?

12 **COMM. THOMAS CARRIQUE:** That's very complex law -
13 --

14 **MR. BRENDAN MILLER:** Yeah, okay.

15 **COMM. THOMAS CARRIQUE:** --- that is beyond my
16 education and comprehension. I'm sorry.

17 **MR. BRENDAN MILLER:** It's okay. Now, you do know
18 that after these vehicles arrived in the city, that there was
19 construction equipment, as well as, eventually, I believe the
20 following day, cement barriers put up so that no one could come
21 in, but no one could also go out? You're aware of that? The
22 vehicles.

23 **COMM. THOMAS CARRIQUE:** I was aware that there
24 were cement barriers in place, but I was not on the ground to
25 observe where they were or what impact they would have had.

26 **MR. BRENDAN MILLER:** Right. But you can agree
27 with me that if there's barriers on both sides of a road where
28 individuals have parked their trucks, the truck can't drive

1 through the barrier, it can't drive over it, it can't really
2 drive around it? Is that fair?

3 **COMM. THOMAS CARRIQUE:** That sounds reasonable,
4 yes.

5 **MR. BRENDAN MILLER:** Right. If I could bring up
6 Document SSM.NSC.CAN.00000209_REL.0001. It's the Incident
7 Response Group Minutes from February 10th, 2022.

8 Okay. And could we just scroll down to page 5
9 there, please, and zoom in on the first paragraph? Scroll down
10 please. Perfect.

11 Okay. So I just want to take you to the fifth
12 line there. I'm just going to read it out to you. And this is
13 Commissioner Luckie's sort of summary to them on February 10th.

14 And she says:

15 "The RCMP Commissioner added that the
16 engagement continues with the Ontario
17 Provincial Police and the Ottawa
18 Provincial -- or the Ottawa Police
19 Service. The RCMP has provided all
20 resources requested by OPS. OPP
21 resources have also been provided and
22 there is good consideration, good
23 cooperation between the OPP and RCMP.
24 There are indications that some of the
25 protestors would like to leave but are
26 unable to do so, given physical
27 barriers. An integrated planning cell
28 is developing a plan of action and the

1 preference remains to continue moving
2 forward with negotiations with
3 enforcement actions to start early next
4 week if negotiations remain
5 unsuccessful. A surge and contain
6 strategy will be employed for the
7 upcoming weekend."

8 Does that summary as of February 10th, 2022, is
9 that summary accurate of where things were at with OPP and your
10 understanding of everything?

11 **COMM. THOMAS CARRIQUE:** I would say that that is
12 accurate, save and except surge and contain is -- are not terms
13 that are generally used within the OPP.

14 As it relates to your previous question around
15 physical barriers, those could be barriers put in place by
16 police, could be put in place by protestors.

17 I know there were some concerns that people did
18 want to leave, but they were boxed in by other vehicles ---

19 **MR. BRENDAN MILLER:** Right.

20 **COMM. THOMAS CARRIQUE:** --- and they did not feel
21 as though they could leave of their own accord without the
22 assistance of the police.

23 **MR. BRENDAN MILLER:** Right. And so I'm going to
24 first -- there's two aspects in there I want to discuss with
25 you. The first is enforcement.

26 So on February 10th, 2022, in those minutes, it
27 says -- and this is, of course, before the *Emergencies Act* was
28 invoked -- it says that enforcement was going to start on

1 Monday, February 14th, 2022 if negotiations did not work, right?
2 That was going to happen anyway?

3 **COMM. THOMAS CARRIQUE:** Yes, that was going to
4 happen anyways. They were on a timeline focused on de-
5 escalation and negotiation with the anticipated approval of the
6 plan. There was the intent to move forward, yes.

7 **MR. BRENDAN MILLER:** And as you already said,
8 that could have all been done without the invocations of the
9 *Emergencies Act*, much like Commissioner Luckie of the RCMP said
10 in that email that you agreed with earlier?

11 **COMM. THOMAS CARRIQUE:** Yes.

12 **MR. BRENDAN MILLER:** Right. And now I want to
13 talk to you about the issue with the barriers, and we'll sort of
14 address that.

15 Now, that summary there you said is -- there's
16 physical barriers preventing people from leaving, whether it be
17 put there by the City or whether it be other trucks. That's a
18 fact. Like, people couldn't go and take their trucks and leave?

19 **COMM. THOMAS CARRIQUE:** That was a fact, yes.

20 **MR. BRENDAN MILLER:** All right. So once the
21 concrete barriers went up and people were stuck, they're stuck
22 there, they can't move their trucks. They can physically walk
23 away, but they'd have to leave it there and go away, fair?

24 **COMM. THOMAS CARRIQUE:** I will take your
25 explanation on that as fair.

26 **MR. BRENDAN MILLER:** Now, prior to these barriers
27 being put up and prior to not being able to leave -- and you're
28 not going to hear me argue otherwise -- those trucks are an

1 unlawful assembly, but once a government entity like the City of
2 Ottawa and everything is all stuck and they can't move, can you
3 agree that those individuals and those trucks that were struck
4 there -- and I know this is not a question of law -- but is it
5 something that you would charge them with, in your opinion, when
6 they can't actually leave? Are they assembled, you know,
7 intentionally? Are they -- someone there that they would have
8 grounds to lay a charge where these individuals who the only
9 reason they're unlawfully assembled is that these trucks are
10 stuck, but it's not their fault?

11 So would you agree that once the barriers went
12 up, and once these individuals' vehicles were stuck, that there
13 was no unlawful assembly?

14 **COMM. THOMAS CARRIQUE:** I don't think I could
15 agree that there was no lawful assembly, and it's what came
16 first and what came second. Were people trapped and couldn't
17 get out because the barriers were up, or were they trapped and
18 couldn't get out because other trucks and heavy equipment were
19 blocking them in?

20 But I think what's fundamental to your question
21 is, the discretion is to whether there are reasonable and
22 probable grounds to lay a charge rests with the police officers
23 who would investigate that unlawful assembly.

24 **MR. BRENDAN MILLER:** Right. And I can tell you,
25 already in evidence, is the charges that were laid. And would
26 you be interested to know that there's not a single charge of
27 unlawful assembly that was laid in this case, in all of Ottawa
28 during the protest?

1 **COMM. THOMAS CARRIQUE:** Thank you for sharing
2 that.

3 **MR. BRENDAN MILLER:** Yeah. So the ---

4 **COMMISSIONER ROULEAU:** You're out of time, so if
5 you can wrap up?

6 **MR. BRENDAN MILLER:** Yes, I will.

7 So just on the issue with Inspector Beaudin, if I
8 could just scroll down to page 7 of the document on the screen,
9 page 7 and the top -- I'm looking for the bottom of page 7 --
10 no, sorry -- bottom of page 6, top of page 7. Okay.

11 So here, this document is again, the same one
12 from before, but this is the actual plan that Inspector Beaudin
13 had approved and you approved with the PLTs. It was actually
14 put to Cabinet; did you know that?

15 **COMM. THOMAS CARRIQUE:** So a point of
16 clarification, I did not approve a plan. I did authorize
17 Inspector Beaudin to have a conversation with Deputy Minister
18 Stewart. I did not approve a plan, nor did I ---

19 **MR. BRENDAN MILLER:** Okay.

20 **COMM. THOMAS CARRIQUE:** --- approve anything that
21 went to Cabinet.

22 **MR. BRENDAN MILLER:** Right. But is it fair to
23 say -- of course, no one knew it went to Cabinet, and I
24 understand that -- but is it fair to say that the plan that
25 Beaudin drafted, you supported that plan as an action plan?

26 **COMM. THOMAS CARRIQUE:** I did not see that plan,
27 but I have all the confidence in the world in Inspector Beaudin,
28 and ---

1 **MR. BRENDAN MILLER:** Yeah.

2 **COMM. THOMAS CARRIQUE:** --- he is an absolute
3 national expert as it relates to provincial liaison teams,
4 negotiation, and de-escalation. So I would have no reason to
5 question his advice that he provided.

6 **MR. BRENDAN MILLER:** And were you aware that
7 Commissioner Luckie also supported that plan?

8 **COMM. THOMAS CARRIQUE:** I was aware that
9 Commissioner Luckie had insight into the discussions that had
10 taken place between the inspector and the deputy minister.

11 **MR. BRENDAN MILLER:** Right. And the deputy
12 minister, of course, he had input into the plan. It was his
13 final approved plan that he put before Cabinet, right?

14 **COMM. THOMAS CARRIQUE:** I can't comment. I
15 didn't see a plan. This is the first I'm seeing any
16 documentation in relation to it.

17 **MR. BRENDAN MILLER:** Can you agree with me that
18 when it comes to law enforcement in this province and with the
19 federal apparatus that the three most senior individuals in law
20 enforcement would be yourself, Commissioner Luckie, and the
21 deputy minister Rob Stewart with respect to individuals in the
22 civil service; is that fair?

23 **COMM. THOMAS CARRIQUE:** Well, I'm not a federal
24 civil servant.

25 **MR. BRENDAN MILLER:** I mean provincial.

26 **COMM. THOMAS CARRIQUE:** I wouldn't indicate that
27 the deputy minister is part of law enforcement, and policing is
28 not a hierarchy. I am not above a municipal police chief in a

1 rank structure. So I wouldn't disagree with -- I would not
2 agree with that.

3 **MR. BRENDAN MILLER:** Right. But for -- in the
4 provincial apparatus, you are the most senior law enforcement
5 individual in the province; is that fair?

6 **COMM. THOMAS CARRIQUE:** Within the Ontario
7 Provincial Police, I am the highest ranking police officer.

8 **MR. BRENDAN MILLER:** Right. And then
9 Commissioner Luckie is that for the RCMP?

10 **COMM. THOMAS CARRIQUE:** For the RCMP.

11 **MR. BRENDAN MILLER:** And the deputy minister, of
12 course, is the highest civil servant in public safety that sort
13 of oversees and looks at for the political branch and manages
14 those sort of areas; is that fair?

15 **COMM. THOMAS CARRIQUE:** That's a question best
16 posed to the deputy minister ---

17 **MR. BRENDAN MILLER:** Right.

18 **COMM. THOMAS CARRIQUE:** --- I think.

19 **MR. BRENDAN MILLER:** Yeah, thank you.

20 **COMM. THOMAS CARRIQUE:** Thank you.

21 **COMMISSIONER ROULEAU:** Okay. We're on a bad run
22 for overstaying.

23 Windsor Police Service is next.

24 **--- CROSS-EXAMINATION BY MR. THOMAS McRAE:**

25 **MR. THOMAS McRAE:** Thank you, sir.

26 Good evening, Commissioner Carrique. My name's
27 Tom McRae. I'm here for the Windsor Police Service. Can you
28 hear me?

1 **COMM. THOMAS CARRIQUE:** I can. Good afternoon.

2 Thank you.

3 **MR. THOMAS McRAE:** Thank you very much.

4 I only have a couple of questions, I think.

5 First, my friend Mr. Curry, representing former
6 Chief Sloly, took you to Supt. Earley's witness statement
7 prepared in this proceeding. Prior to today, had you seen that
8 statement?

9 **COMM. THOMAS CARRIQUE:** It would have been
10 available to me. I would have reviewed that as a cursory
11 review, yes.

12 **MR. THOMAS McRAE:** Okay, thank you.

13 I think your evidence was this morning that the
14 Windsor Police Service was the service of jurisdiction in the
15 area of the Ambassador Bridge; is that correct?

16 **COMM. THOMAS CARRIQUE:** That is correct, yes.

17 **MR. THOMAS McRAE:** And the Ambassador Bridge, if
18 I recall your evidence correctly, is a very important
19 international border crossing within Canada, correct?

20 **COMM. THOMAS CARRIQUE:** Yes. I would agree with
21 that, yes.

22 **MR. THOMAS McRAE:** Your evidence, as I recall,
23 you said it both this morning and to Mr. Curry, was that on
24 February 8th, the OPP established what I think you referred to
25 as a POU hub; is that correct?

26 **COMM. THOMAS CARRIQUE:** Public Order Hub, we
27 formally established that. It had been operating since February
28 the 4th at an operational level amongst superintendents, and we

1 coordinated it at a chief level and made it official on February
2 the 8th, yes.

3 **MR. THOMAS McRAE:** Thank you. And the purpose of
4 the Public Order Hub was to ensure the fair distribution of
5 Public Order Units to areas of importance throughout the
6 province; is that fair?

7 **COMM. THOMAS CARRIQUE:** I don't know that I would
8 categorise it as the fair distribution. This wasn't a case of
9 being fair or equitable, it was ensuring that the right
10 resources were in the right place at the right time to mitigate
11 the threats that were before us.

12 **MR. THOMAS McRAE:** Thank you. As the Police
13 Service of jurisdiction at the Ambassador Bridge, is it correct
14 that the Windsor Police Service and/or the City of Windsor would
15 have to assume certain costs regarding the disposition of things
16 like Public Order Unit officers attending in Windsor, such as
17 their food and lodging?

18 **COMM. THOMAS CARRIQUE:** So, sorry sir, are you
19 asking me if they would be responsible for the financial costs
20 of deploying OPP officers?

21 **MR. THOMAS McRAE:** No, the other units that were
22 sent through the POU Hub.

23 **COMM. THOMAS CARRIQUE:** So I can't speak to
24 whether there are any charges from other Municipal Police
25 Services to Windsor Police. I can assure you that there has
26 been no cost back sought from the OPP from any other Police
27 Service throughout the Freedom Convoy. Those costs have been
28 borne by the Ontario Provincial Police.

1 **MR. THOMAS McRAE:** All right. Thank you very
2 much. Those are my questions.

3 **COMM. THOMAS CARRIQUE:** Thank you.

4 **COMMISSIONER ROULEAU:** Thank you.

5 If I could next call on the City of Windsor.

6 **--- CROSS-EXAMINATION BY MS. JENNIFER KING:**

7 **MS. JENNIFER KING:** Good evening,
8 Commissioner Carrique. My name is Jennifer King, and I am legal
9 counsel to the City of Windsor. Hi.

10 **COMM. THOMAS CARRIQUE:** Good evening.

11 **MS. JENNIFER KING:** Good evening.
12 Commissioner Carrique, are you familiar with the City of Windsor
13 and the location of the Ambassador Bridge?

14 **COMM. THOMAS CARRIQUE:** Generally. I've never
15 policed in the City of Windsor. I have visited the City of
16 Windsor, but I am not intimately familiar with the locations.

17 **MS. JENNIFER KING:** So I will ask the clerk to
18 pull up a map to orient you and those who may not be familiar
19 with the city.

20 WIN00002248 [sic].

21 And when it comes up, Commissioner, you'll see
22 that it's oriented so that the Ambassador Bridge is marked at
23 the top or north of the map. I don't see it yet on my screen.

24 **COMM. THOMAS CARRIQUE:** No, it's not here yet
25 either.

26 **MS. JENNIFER KING:** We'll give it a moment.

27 So if you can read the markings, the Ambassador
28 Bridge is marked at the top northside of the map. Do you see

1 that?

2 **COMM. THOMAS CARRIQUE:** Yes. Yes, I do.

3 **MS. JENNIFER KING:** And at the bottom of the
4 screen, which is south, you'll see E.C. Row Expressway. Do you
5 see that?

6 **COMM. THOMAS CARRIQUE:** I thank you for the
7 assistance of the cursor. Without my glasses that's helpful. I
8 see that, thank you.

9 **MS. JENNIFER KING:** And although it's not marked
10 here, the road from E.C. Row Expressway to the Ambassador Bridge
11 is Huron-Church Road. Are you aware that this is a local
12 municipal road, not a highway?

13 **COMM. THOMAS CARRIQUE:** I would not be aware of
14 that based on looking at the map and my lack of specific
15 jurisdictional awareness, no.

16 **MS. JENNIFER KING:** All right. Well, I assume
17 that you don't disagree if I tell you that this is a local
18 municipal road and not a highway.

19 **COMM. THOMAS CARRIQUE:** I would not disagree with
20 that, no.

21 **MS. JENNIFER KING:** Thank you. And you'll see
22 that, perhaps you won't see it, but you'll see marked there's a
23 -- the College Avenue, which is marked just south of the bridge.
24 Just north of that is the entrance to the Border Plaza.

25 So since you aren't familiar with Windsor, you
26 may not know that the area of the bridge itself and Huron-Church
27 Road is surrounded by residential areas on both sides,
28 educational institutions, and businesses. Are you aware of

1 that?

2 **COMM. THOMAS CARRIQUE:** I am aware of that, yes.

3 **MS. JENNIFER KING:** Okay. And the University of
4 Windsor is right beside the bridge.

5 **COMM. THOMAS CARRIQUE:** Okay, thank you.

6 **MS. JENNIFER KING:** Okay. So you are aware that
7 the Ambassador Bridge is a privately-owned international border
8 crossing that spans the Detroit River between Windsor and
9 Detroit?

10 **COMM. THOMAS CARRIQUE:** I know that it goes over
11 the river. I did not know that it was privately owned.

12 **MS. JENNIFER KING:** Okay. And you will agree
13 with me that this is critical infrastructure to both Canada and
14 the Province of Ontario?

15 **COMM. THOMAS CARRIQUE:** I agree with that, yes.

16 **MS. JENNIFER KING:** You'll see that the bridge
17 enters, as we've just discussed, it enters Windsor connecting to
18 this municipal road, Huron-Church Road, and you'll see that
19 there is no direct provincial highway connection between the
20 bridge and Highway 401. Are you aware of that?

21 **COMM. THOMAS CARRIQUE:** Yes.

22 **MS. JENNIFER KING:** Okay. Highway 401 is under
23 the jurisdiction and control of the Ministry of Transportation
24 and is patrolled by the Ontario Provincial Police; correct?

25 **COMM. THOMAS CARRIQUE:** Correct.

26 **MS. JENNIFER KING:** So traffic between the
27 provincial highway moves through local roads for several
28 kilometres to get to this international border crossing; right?

1 **COMM. THOMAS CARRIQUE:** Sorry, it -- sorry, can
2 you repeat that?

3 **MS. JENNIFER KING:** Traffic between the
4 Provincial Highway 401 moves through local roads for several
5 kilometres to get to the international border crossing; right?

6 **COMM. THOMAS CARRIQUE:** Yes.

7 **MS. JENNIFER KING:** And you'll agree with me that
8 the blockade of the Ambassador Bridge in February 2022 had a
9 significant and substantial impact on provincial and national
10 economic security?

11 **COMM. THOMAS CARRIQUE:** Yes.

12 **MS. JENNIFER KING:** And we know that the Windsor
13 Police...

14 And I -- you can take the map down. Thank you
15 very much, Clerk.

16 We know that the Windsor Police, with OPP and
17 RCMP, cleared the Ambassador Bridge blockade on February 13th;
18 correct?

19 **COMM. THOMAS CARRIQUE:** Correct. There were
20 other Municipal Police Service that leant some assistance as
21 well, but theoretically, yes.

22 **MS. JENNIFER KING:** Thank you. The Ambassador
23 Bridge was reopened for traffic just after midnight on
24 February 14th; right?

25 **COMM. THOMAS CARRIQUE:** On February the 14th,
26 yes.

27 **MS. JENNIFER KING:** But this was not the end of
28 police operations in Windsor, was it?

1 **COMM. THOMAS CARRIQUE:** No, it was not.

2 **MS. JENNIFER KING:** Police resources, including
3 OPP police officers, remained deployed in the area to prevent
4 further blockages of Huron-Church Road.

5 **COMM. THOMAS CARRIQUE:** Correct.

6 **MS. JENNIFER KING:** Is that right?

7 **COMM. THOMAS CARRIQUE:** I believe until on or
8 about February the 28th.

9 **MS. JENNIFER KING:** Okay. And this was to ensure
10 the flow of traffic from Highway 401 to the Ambassador Bridge;
11 right?

12 **COMM. THOMAS CARRIQUE:** In part it was to ensure
13 the flow of traffic, it was to ensure that there were no further
14 unlawful demonstrations that resulted in the bridge being
15 blocked again.

16 **MS. JENNIFER KING:** Okay. So the purpose of it
17 was to prevent another blockade of the bridge.

18 **COMM. THOMAS CARRIQUE:** That is correct, yes.

19 **MS. JENNIFER KING:** And to protect the millions
20 of dollars of trade crossing this international bridge every
21 day.

22 **COMM. THOMAS CARRIQUE:** Well, I wouldn't say they
23 were specifically assigned there to protect the million dollars
24 --- millions of dollars worth of trade, but as I have shared
25 previously, I think that is important part of overall security
26 in this country is economic security.

27 **MS. JENNIFER KING:** Thank you. The OPP and WPS
28 put a Traffic Plan in place on February 13th. Were you aware of

1 that?

2 **COMM. THOMAS CARRIQUE:** Yes, I was aware there
3 was a Traffic Plan in place that formed an appendix to an
4 overall Operational Plan, yes.

5 **MS. JENNIFER KING:** And -- so let's go to
6 OPP00000011, which is the Traffic Plan. And if you could take
7 us to page 3 when we get there. I'm not sure if the clerk got
8 that number. If you need me to repeat it, it's OPP00000011, and
9 page 3, please. Thank you.

10 And you'll see here, if you can read it,
11 Commissioner Carrique, that here we see Execution Planning, and
12 the first paragraph states:

13 "All east/west traffic from College
14 Avenue and E.C. Row will be blocked by
15 jersey barriers running the entire
16 length of Huron-Church Road."

17 Do you see that?

18 **COMM. THOMAS CARRIQUE:** I do see that, yes.

19 **MS. JENNIFER KING:** And so the result of this
20 plan was that Huron-Church Road was only open for U.S. bound
21 traffic, and all east/west intersections were closed to local
22 traffic.

23 **COMM. THOMAS CARRIQUE:** Okay.

24 **MS. JENNIFER KING:** Okay. I could show you a
25 map, but I think that it's fair that that's the result of the
26 plan.

27 Are -- and you just had mentioned that Huron-
28 Church Road remained limited to bridge traffic for sometime for

1 several weeks after the blockade was cleared?

2 **COMM. THOMAS CARRIQUE:** You'd have to go to the
3 details of the plan to determine how long it was limited in
4 traffic. My reference, sorry, was to the amount of time that we
5 had dedicated resources assigned to the activities in Windsor.

6 **MS. JENNIFER KING:** Okay.

7 **COMM. THOMAS CARRIQUE:** That was not specific to
8 the control of traffic flow.

9 **MS. JENNIFER KING:** Well, we can speak to some
10 other witnesses, including Superintendent Earley, if we need ---

11 **COMM. THOMAS CARRIQUE:** Yes.

12 **MS. JENNIFER KING:** --- to get into those
13 details.

14 So you might not be aware of the exact number,
15 but would it not surprise you if I told you that it took over
16 1,600 concrete barriers to implement the Traffic Plan?

17 **COMM. THOMAS CARRIQUE:** I would not be surprised
18 at that.

19 **MS. JENNIFER KING:** And these barriers had to be
20 sourced quickly?

21 **COMM. THOMAS CARRIQUE:** Yes, they did.

22 **MS. JENNIFER KING:** And the Traffic Plan required
23 support from the City of Windsor, including by sourcing and
24 moving vehicles and jersey barriers?

25 **COMM. THOMAS CARRIQUE:** Superintendent Earley
26 would be the best to speak to the interoperability there, but it
27 would obviously have required the support oof the City, and as I
28 understand it, there was great cooperation.

1 **MS. JENNIFER KING:** Yes. And wouldn't -- it
2 would not surprise you, Commissioner, that the Police Operations
3 and implementation of this Traffic Plan was expensive?

4 **COMM. THOMAS CARRIQUE:** That would not surprise
5 me.

6 **MS. JENNIFER KING:** And it cost around a million
7 dollars for the jersey barriers alone?

8 **COMM. THOMAS CARRIQUE:** Okay.

9 **MS. JENNIFER KING:** Okay. And as a result of the
10 blockade and then the Police Traffic Plan, would you agree with
11 me that access to businesses along Huron-Church Road would be
12 limited and commercial traffic would've been reduced as a
13 result?

14 **COMM. THOMAS CARRIQUE:** That does not seem
15 unreasonable; however, I think it requires some context to say
16 as a result of the actions of the police, the police are
17 responding to unlawful protest to make the area safe and
18 maintain a reasonable flow of traffic and community safety. So
19 I don't think it's fair to categorize it as a result of the
20 police actions.

21 **MS. JENNIFER KING:** Well, those -- the operations
22 to preserve or maintain access to the bridge had an impact on
23 businesses and residents in Windsor.

24 **COMM. THOMAS CARRIQUE:** Okay.

25 **MS. JENNIFER KING:** You'd agree?

26 **COMM. THOMAS CARRIQUE:** I can't dispute that.

27 **MS. JENNIFER KING:** Okay.

28 **COMM. THOMAS CARRIQUE:** I ---

1 **MS. JENNIFER KING:** So would you agree with me
2 that Windsor municipal taxpayers should not be asked to shoulder
3 the cost of securing this international gateway alone?

4 **COMM. THOMAS CARRIQUE:** I would not agree with
5 you on that. That's not something that is the Commissioner of
6 the OPP, I have any responsibility for, and I think there's
7 other people that should be providing that advice to you.

8 **MS. JENNIFER KING:** Okay. I just have a few
9 questions to hopefully assist in clarifying the circumstances
10 that led to the OPP's deployment to Windsor.

11 Commissioner Carrique, this morning you discussed
12 a number of the individuals within the OPP who reported to you
13 during the protests, and one of them was Superintendent
14 McDonnell, who coordinated Public Order Unit hubs during the
15 protests; right?

16 **COMM. THOMAS CARRIQUE:** Superintendent Mike
17 McDonnell.

18 **MS. JENNIFER KING:** Mike McDonnell. Okay. And
19 he reported to you daily?

20 **COMM. THOMAS CARRIQUE:** He reports to me daily on
21 a regular basis. This was some additional responsibility that
22 he undertook. The hubs did not report directly to me. They
23 reported through the appropriate Major Incident and Critical
24 Incident Commanders and our Emergency Operation Centres. I was
25 not providing direction as to where those Public Order Units
26 would be when and what amounts, for what length of time.

27 **MS. JENNIFER KING:** Thank you for that
28 clarification. It was Superintendent Mike McDonnell who

1 coordinated the Public Order Units then during the protests.

2 **COMM. THOMAS CARRIQUE:** Superintendent Mike
3 McDonnell was the representative of the Ontario Provincial Police
4 that coordinated that in cooperation with the other leads or
5 representatives of the Public Order Units across the province.

6 **MS. JENNIFER KING:** Okay. If I could please show
7 you WTS00000026? This is Superintendent McDonnell's witness
8 summary.

9 **COMM. THOMAS CARRIQUE:** Superintendent McDonnell?

10 **MS. JENNIFER KING:** McDonnell.

11 **COMM. THOMAS CARRIQUE:** Not MacDonald? Thank
12 you.

13 **MR. ERIC BROUSSEAU:** Commissioner, just -- it's
14 Eric Brousseau, Commission Counsel. Just a reminder that
15 Counsel require leave to cross-examine on a witness statement.
16 Ms. King made us aware of this, but just for the record, leave
17 is required ---

18 **MS. JENNIFER KING:** Yes.

19 **MR. ERIC BROUSSEAU:** Sorry, go ahead.

20 **MS. JENNIFER KING:** No, go ahead.

21 **MR. ERIC BROUSSEAU:** I was just going to add that
22 Superintendent McDonnell is a witness whose statement the
23 Commission intends to enter into evidence. He's not a witness
24 who will be called to give evidence or that the Commission
25 intends to call to give evidence, as a relevant background for
26 the question of leave.

27 **MS. JENNIFER KING:** Thank you to Commission
28 Counsel.

1 Commissioner Carrique, did you have an
2 opportunity to review Superintendent's witness summary?

3 **COMM. THOMAS CARRIQUE:** No, I have not.

4 **MS. JENNIFER KING:** Okay. Commissioner, I'm
5 seeking leave to refer Commissioner Carrique to this witness
6 summary. He's advised that the Superintendent has reported to
7 him -- reported to him daily. And as Commission Counsel has
8 advised, they've identified the summary as one that they intend
9 to admit in lieu of oral testimony.

10 **COMMISSIONER ROULEAU:** Okay. Well, perhaps we
11 could put it up. You could ask the question, but this probably
12 should have come earlier in your examination because you're
13 already over time. So if you could put it up and see what the
14 question is and then I'll -- and see what the witness can say
15 and I'll rule on it.

16 **MS. JENNIFER KING:** Okay. Thank you,
17 Commissioner.

18 If you could scroll to page 4, please? To the
19 second paragraph on the bottom of the page. And you'll see
20 here, Commissioner, that the --

21 "On February [the] 4[th],
22 Superintendent McDonnell started
23 working with the Windsor Police Service
24 [...] after receiving a call from then-
25 Superintendent Jason Crowley of [the]
26 WPS."

27 Do you see that?

28 **COMM. THOMAS CARRIQUE:** Yes, I see that, and I

1 was aware of that.

2 **MS. JENNIFER KING:** Okay. And you'll agree that,
3 "Superintendent Crowley advised
4 Superintendent McDonnell of the
5 possibility of traffic slowdowns to,
6 and potential blockade of, the
7 Ambassador Bridge."

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MS. JENNIFER KING:** Okay. And if you could
10 scroll to page 5, please, under "Police Response in Windsor".
11 The second paragraph Superintendent McDonnell indicates that,
12 "On the evening of February [the]
13 6[th], then-Superintendent [...]
14 Crowley requested help and the OPP
15 immediately sent about 35 cars with
16 accompanying personnel to come up with
17 a traffic plan..."

18 Do you see that?

19 **COMM. THOMAS CARRIQUE:** I do see that, yes.

20 **MS. JENNIFER KING:** And were you aware of that at
21 the time?

22 **COMM. THOMAS CARRIQUE:** I very likely would have
23 been aware of that at the time, and the hesitation that you're
24 observing is in relation to documents that were put forward
25 before me earlier today where I had to orientate myself as to
26 where those requests might have come in to the organization. So
27 this was not a formal request that came into my office, but a
28 good example of how those connections are made at an operational

1 level and that assistance is provided. This is not something
2 that the Superintendent would have had to seek my authorization
3 on. He is completely empowered to make that type of decision.

4 **MS. JENNIFER KING:** Okay. So we can take that
5 witness summary down and ---

6 **COMMISSIONER ROULEAU:** You're now well over time.
7 So you're going to have to wrap up and ---

8 **MS. JENNIFER KING:** I have two more questions,
9 Commissioner, if I may.

10 **COMMISSIONER ROULEAU:** Make them. That document
11 can be entered as an exhibit, so that it's available to the
12 public.

13 **MS. JENNIFER KING:** Thank you, Commissioner.

14 So I just wanted to confirm that Superintendent
15 Earley was assigned as of February 9th; correct?

16 **COMM. THOMAS CARRIQUE:** I believe that was the
17 date.

18 **MS. JENNIFER KING:** And so you'll confirm that by
19 the time you became aware of the Windsor Chief of Police's
20 formal request for resources, WPS had already requested
21 resources directly from the OPP, including POU assistance;
22 correct?

23 **COMM. THOMAS CARRIQUE:** It would appear so from
24 the evidence that has been provided here, but there was no
25 formal request made of me, and when I inquired whether anything
26 else was needed, I was advised that it was not.

27 **MS. JENNIFER KING:** Thank you.

28 **COMM. THOMAS CARRIQUE:** Thank you.

1 **COMMISSIONER ROULEAU:** Okay. Next I'd like to
2 call on the ---

3 **MR. PAUL CHAMP:** Mr. Commissioner, Paul Champ for
4 the Ottawa Coalition. I'm sure inadvertently, but I think we
5 were missed in the series of questions -- questioners.

6 **COMMISSIONER ROULEAU:** Yes, you were. If you
7 want to go ahead now, that's fine.

8 --- CROSS-EXAMINATION BY MR. PAUL CHAMP:

9 **MR. PAUL CHAMP:** Commissioner, my name is Paul
10 Champ. I'm the lawyer for the Ottawa Coalition of Residents and
11 Businesses. I just have some questions for you following on
12 your testimony. Thank you so much to coming to Ottawa to answer
13 these questions for us.

14 **COMM. THOMAS CARRIQUE:** Thank you, Paul.

15 **MR. PAUL CHAMP:** The first question I have for
16 you concerns the Canadian Association of Chiefs of Police
17 National Framework for Policing Demonstration -- Police
18 Preparedness for Demonstrations.

19 **COMM. THOMAS CARRIQUE:** Yes.

20 **MR. PAUL CHAMP:** There is nothing in that
21 framework, Commissioner, about a threshold for seeking and
22 obtaining resources or assistance from policing partners. You'd
23 agree with me?

24 **COMM. THOMAS CARRIQUE:** I would agree with you.
25 I'm not familiar with anything in there that would define that,
26 no.

27 **MR. PAUL CHAMP:** Yeah, there's -- and but with a
28 threshold or a criteria for that, it would make it easier for a

1 Chief to seed command to another police service or a unified
2 command I gather. Would that help that decision making?

3 **COMM. THOMAS CARRIQUE:** I don't know that the
4 framework would be the right place for that. We'd have to go
5 through the framework in its totality, I think, for me to give
6 you an honest opinion.

7 **MR. PAUL CHAMP:** Well, I would just flag this,
8 Commissioner, I've looked through that framework a number of
9 times and it looks like it's a very good document, very good
10 guidance on managing a regular demonstration, but there's
11 nothing really in there about how to deal with a demonstration
12 that's much bigger, or much larger, or more difficult for the
13 police service of jurisdiction to manage. There's nothing about
14 how you get policing partners to come help you?

15 **COMM. THOMAS CARRIQUE:** No, there would be
16 nothing in that document. That's not what that document was
17 intended for.

18 **MR. PAUL CHAMP:** But wouldn't you agree with me
19 that if you have a framework for police services to look to for
20 being prepared for demonstrations, if it happens to be a very
21 large demonstration, it would be helpful to have guidance or
22 criteria in there for how or in what ways a police service
23 should reach out for assistance from policing partners.

24 **COMM. THOMAS CARRIQUE:** But that varies from
25 province to province, and I don't know that police leaders need
26 direction on that. And here in Ontario, it's very clearly
27 defined in the *Police Services Act* how to request assistance.
28 It's also clearly defined in what's called Adequacy Standards

1 where regulations state that police services must have
2 agreements for certain abilities and services if they're not
3 able to provide them on their own.

4 **MR. PAUL CHAMP:** Well, okay, we can stick with
5 Ontario. So Section 9 of the *Police Services Act*, it doesn't
6 have criteria for when the -- a chief should reach out, or a
7 Police Service Board should reach out, or the Ontario Civilian
8 Police Commission should reach out; correct? There's no
9 criteria?

10 **COMM. THOMAS CARRIQUE:** No, but there's a
11 framework and how it is done. So I may not be interpreting your
12 question correctly in terms of a threshold. How would you
13 propose that that threshold is defined?

14 **MR. PAUL CHAMP:** Well, I guess what I'm trying to
15 say, Commissioner, is I understand that how this event unfolded
16 in Ottawa, people -- many people have testified here today being
17 critical of Chief Sloly, that -- or the Ottawa Police didn't
18 have an effective plan for a prolonged period. They should have
19 given in to a unified command earlier in the demonstration. But
20 really, it was up to the subjective of ad hoc decision of Chief
21 Sloly, you know, absent you going to the Ontario Civilian Police
22 Commission. But essentially, it was up to him to decide if he
23 wanted to cede command to a unified police command. You would
24 agree with that, it was up to him?

25 **COMM. THOMAS CARRIQUE:** Yeah, I don't know that I
26 would categorize his decision as "ad hoc". These decisions are
27 based on the experience of the chief, the advice of their
28 subject-matter experts. If there was a way to quantify a

1 threshold for an integrated or unified command, that would
2 obviously be of assistance?

3 **MR. PAUL CHAMP:** Well, or some criteria?

4 **COMM. THOMAS CARRIQUE:** Yes, I -- I'm sorry. I'm
5 not trying to be difficult with you. I just think you're
6 convoluting it for me to be able to provide you with a very
7 direct and clear answer. There's the framework that deals with
8 the use of provincial liaison teams and lawful assembly.
9 There's adequacy standards that deal with how we deploy our
10 Public Order Units, what their qualifications are, what their
11 training needs to be, requirements for a police service to
12 maintain certain capacities. There's core responsibilities in
13 the Police Services Act. So there's a number of components to
14 this.

15 **MR. PAUL CHAMP:** Commissioner, what I'm trying to
16 get at is that by -- well, what we do know -- you've already
17 given us testimony that by February the 15th, you were ready to
18 have a conversation with Chief Sloly to suggest to him that it's
19 time for him to cede responsibility to a unified police command;
20 correct, you were going to have that conversation with him?

21 **COMM. THOMAS CARRIQUE:** To have a conversation
22 with him to determine whether the obstacles that had been
23 communicated to us were seen by him in the same light and to
24 determine whether it was that time ---

25 **MR. PAUL CHAMP:** Right.

26 **COMM. THOMAS CARRIQUE:** --- whether we should be
27 assuming command of that, whether that was something he was
28 seeking our assistance with. And based on that conversation, I

1 would then have to make a decision as to whether it was
2 something that I felt should be elevated or it was something
3 that could be managed by Ottawa Police with our assistance.

4 **MR. PAUL CHAMP:** Yeah, that's right. You gave us
5 testimony that to elevate it, you would have spoken to the
6 Deputy Solicitor General to perhaps raise it to the Solicitor
7 General's level, to then go over to the Ontario Civilian Police
8 Commission to possibly make a direction under Section of the
9 *Police Services Act* to have the OPP take over. That's what
10 you're talking about, correct?

11 **COMM. THOMAS CARRIQUE:** Correct, yes.

12 **MR. PAUL CHAMP:** So that was on your mind when
13 you were thinking about having that conversation with Chief
14 Sloly?

15 **COMM. THOMAS CARRIQUE:** That could be the
16 inevitable outcome, yes.

17 **MR. PAUL CHAMP:** Yeah, by the 15th, it was two and
18 a half weeks on and that was a consideration that you had. You
19 were losing confidence that -- whether the Ottawa Police
20 Service, on its own, could make the decisions to manage the
21 situation; correct?

22 **COMM. THOMAS CARRIQUE:** It was a conversation
23 that needed to take place based on the description of what was
24 happening with the activation of the plan.

25 **MR. PAUL CHAMP:** And you spoke to Commissioner
26 Lucki from the RCMP that day and she also shared the view that
27 you had, that you were losing confidence in the Ottawa Police
28 and its chief to manage the situation; correct?

1 **COMM. THOMAS CARRIQUE:** So you'll have to ask
2 Commissioner Lucki her opinion ---

3 **MR. PAUL CHAMP:** Well ---

4 **COMM. THOMAS CARRIQUE:** --- in terms of losing
5 confidence. I hesitate to say that we were losing confidence in
6 the Chief of Police. We were certainly concerned about the
7 ability to move the plan forward and it required our assistance,
8 and it may have required us to take command and control.

9 **MR. PAUL CHAMP:** You're aware, by February 15th,
10 it had been 18 days of the streets in downtown Ottawa blockaded;
11 people being unable to access groceries in some cases; people
12 with disabilities, difficulty getting out of their homes; there
13 was horns blaring day and night; there was open fires; there was
14 propane tanks and jerrycans; there was 300 to 400 commercial
15 idling 24 hours a day? You're aware of all those conditions,
16 Commissioner?

17 **COMM. THOMAS CARRIQUE:** I am, yes.

18 **MR. PAUL CHAMP:** And that would have been very
19 difficult every single day for the people and businesses in
20 downtown Ottawa?

21 **COMM. THOMAS CARRIQUE:** That would have been very
22 difficult.

23 **MR. PAUL CHAMP:** And no doubt that's a situation
24 that, in your view, could have or should have been ended
25 earlier; is that right?

26 **COMM. THOMAS CARRIQUE:** That's going to be
27 something, I think, for this Commission and others to determine.
28 Perhaps it could have been ended earlier with more engagement

1 through PLT. I would suggest that that was likely the evidence
2 of Insp. Beaudin yesterday; I have not observed his evidence.
3 But earlier engagement and more robust engagement of PLT, it is
4 possible that the protest could have been ended earlier --
5 possible, yes.

6 **MR. PAUL CHAMP:** Yeah, and you've given us that
7 testimony earlier?

8 **COMM. THOMAS CARRIQUE:** Yes.

9 **MR. PAUL CHAMP:** Yeah. And if there had been a
10 proper operational plan prepared earlier, that also, perhaps,
11 could have led to the protest being ended earlier; correct?

12 **COMM. THOMAS CARRIQUE:** It could have, yes.

13 **MR. PAUL CHAMP:** And ---

14 **COMM. THOMAS CARRIQUE:** Just because an
15 operational -- just to put it into context, sorry. Just because
16 an operational plan is prepared and ready to go, that does not
17 mean that we immediately move to enforcement. We're bound by
18 the Ontario Use-of-force Model and de-escalation is always going
19 to be the first and foremost priority, but it is important to
20 have the plan and the assets ready to go should the decision be
21 made by the critical incident commander that deploying the
22 Public Order Unit is the appropriate and responsible next step.

23 **MR. PAUL CHAMP:** But, Commissioner, we've heard
24 evidence in this Commission from a number of different witnesses
25 that policing resources from the OPP and others were delayed
26 because there were concerns that the Ottawa Police did not have
27 a proper operational plan for the deployment of those resources;
28 would you agree with that? There was a delay in the OPP sending

1 resources who didn't have confidence that the Ottawa Police had
2 a plan?

3 **COMM. THOMAS CARRIQUE:** No, I would not agree
4 with that, that there was a delay because we did not have
5 confidence in the plan. We were providing resources for tasks
6 and job descriptions that were required. We needed to define
7 the resources that required and, to do that, we required a plan.

8 **MR. PAUL CHAMP:** Right. So until you had a plan,
9 you couldn't -- you yourself couldn't identify the resources and
10 you weren't prepared to have OPP resources go until you've seen
11 a plan where you felt those resources would be properly
12 deployed; correct?

13 **COMM. THOMAS CARRIQUE:** Until we had a plan, yes.

14 **MR. PAUL CHAMP:** That's right. So there was a
15 delay until we had a proper plan; correct?

16 **COMM. THOMAS CARRIQUE:** Yes, not an intentional
17 delay to say, "We're not sending resources." I think it's
18 really important to put it in context because there has been
19 some concern and some reference to not enough resources being
20 there for functions that were required to be performed and I
21 just want to be clear that that was not the case.

22 **MR. PAUL CHAMP:** Believe me, Commissioner, the
23 people in Ottawa knew what the context was at that time when
24 there was that delay because it was February that 7th that the
25 mayor and the Chair of the Ottawa Police Services Board asked
26 for 1,800 officers and a significant number of OPP officers
27 didn't arrive in Ottawa until about approximately February 17th;
28 is that right?

1 **COMM. THOMAS CARRIQUE:** That is not right?

2 **MR. PAUL CHAMP:** Over a thousand ---

3 **COMM. THOMAS CARRIQUE:** I would describe a
4 significant number of OPP officers being there prior to that. I
5 would describe over 400 OPP officers being in Ottawa prior to
6 that as a significant number. When we only have just over a
7 thousand on any given day deployed across this province policing
8 our communities, more than 400 in the City of Ottawa is
9 significant.

10 **MR. PAUL CHAMP:** Right. And while we're on that,
11 it's my understanding from your interview summary that there was
12 approximately 400 OPP officers deployed to Windsor to deal with
13 the Ambassador Bridge blockades; correct?

14 **COMM. THOMAS CARRIQUE:** That was officers in
15 total; that was not specific to the OPP.

16 **MR. PAUL CHAMP:** I apologize, I didn't bring your
17 interview summary up because my understanding is it said it was
18 400 OPP, I thought. Now, isn't it fair to say that the OPP
19 could not have sent the numbers of officers that were ultimately
20 sent to Ottawa to bring the protest to an end at the same time
21 as dealing with Ambassador Bridge crisis in Windsor?

22 **COMM. THOMAS CARRIQUE:** That is fair, yes.

23 **MR. PAUL CHAMP:** So you couldn't manage both of
24 those events at the time; you just simply have the -- you didn't
25 have the numbers?

26 **COMM. THOMAS CARRIQUE:** We did not have the
27 numbers to deploy Public Order Units simultaneously in both
28 locations; that is correct.

1 **MR. PAUL CHAM:** All right, just one last point,
2 if I could, Commissioner. On the letter that went from the
3 mayor and the Chair of the Ottawa Police Services Board on
4 February 7th asking for 1,800 officers, you've testified you
5 didn't that public request was helpful; correct?

6 **COMM. THOMAS CARRIQUE:** It was not helpful
7 operationally, correct.

8 **MR. PAUL CHAMP:** Yeah, because then there could
9 be a perception publicly that the OPS didn't have the resources
10 to manage the situation?

11 **COMM. THOMAS CARRIQUE:** Making OPS vulnerable as
12 well as other jurisdictions across the province.

13 **MR. PAUL CHAMP:** Right. But don't you think it
14 was already obvious to everyone on the city streets of Ottawa,
15 whether it's the residents or the protesters themselves, that
16 the Ottawa Police did not have the resources to manage what was
17 happening?

18 **COMM. THOMAS CARRIQUE:** That was likely very
19 obvious to a number of people but getting into specific number
20 of officers that is required ---

21 **MR. PAUL CHAMP:** Right.

22 **COMM. THOMAS CARRIQUE:** --- is not best practice.
23 You will note that we never discuss the number of officers that
24 we're deploying publicly in relation to an operational plan.

25 **MR. PAUL CHAMP:** Well, but, Commissioner, is it
26 not the case that one day before, the mayor and the chair sent
27 that letter, it was the Solicitor General of Ontario that
28 announced on February the 6th that they'd already sent 1,500

1 officers; right? That was publicly stated one day before,
2 right?

3 **COMM. THOMAS CARRIQUE:** I don't know if it was
4 one day before but it was publicly stated before, and that was
5 not the Ontario Provincial Police that released that number.

6 **MR. PAUL CHAMP:** Right, because that wasn't
7 helpful either?

8 **COMM. THOMAS CARRIQUE:** That was not helpful.

9 **MR. PAUL CHAMP:** They were politicizing things?

10 **COMM. THOMAS CARRIQUE:** Who was politicizing it?

11 **MR. PAUL CHAMP:** Well the Solicitor General.

12 **COMM. THOMAS CARRIQUE:** You'll have to talk to
13 the Solicitor General about the -- why that was released and in
14 what context.

15 **COMMISSIONER ROULEAU:** Okay. On that question
16 about the Solicitor General, we're going to move on to the next,
17 which is the -- now it is the CCF.

18 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

19 **MR. SUJIT CHOUDHRY:** Commissioner, good
20 afternoon. It's been a long day, and so I'm going to try to
21 make my questions very brief.

22 **COMM. THOMAS CARRIQUE:** Thank you.

23 **MR. SUJIT CHOUDHRY:** So I'd like ---

24 **COMMISSIONER ROULEAU:** Could you start by
25 introducing ---

26 **MR. SUJIT CHOUDHRY:** Excuse me.

27 **COMMISSIONER ROULEAU:** --- yourself, please?

28 **MR. SUJIT CHOUDHRY:** My name is Sujit Choudhry.

1 I am counsel for the CCF.

2 **COMM. THOMAS CARRIQUE:** Thank you.

3 **MR. SUJIT CHOUDHRY:** And so I'd first like to
4 begin by confirming some testimony you provided this morning
5 while being examined by my friend, Mr. Brosseau. And I believe
6 you said the following:

7 "If the request came under the *Police*
8 *Services Act* to take over policing in
9 Ottawa, the OPP would have been absolutely
10 willing to move forward and fulfil our
11 responsibilities." (As read)

12 Did you say that or words to that effect?

13 **COMM. THOMAS CARRIQUE:** Words to that effect. We
14 would have had to assess the request and our capabilities, but
15 the willingness would have been there.

16 **MR. SUJIT CHOUDHRY:** So I'd like to ask you some
17 questions about the legal mechanics whereby that would have
18 occurred.

19 And so if I could ask the clerk to please turn up
20 Commissioner Carrique's witness interview summary, which is
21 WTS00000039? And if we could go to page 3, please? Id like to
22 -- if you could just scroll up a little bit more? That's great.

23 So, Commissioner Carrique, I'd like to take you
24 to the paragraph that begins "There are a limited number of
25 ways..."

26 **COMM. THOMAS CARRIQUE:** Yes.

27 **MR. SUJIT CHOUDHRY:** And so would you agree that
28 in that paragraph, you state that there are three ways in which

1 the OPP could have taken over policing in Ottawa? One is by the
2 Ontario Civilian Police Commission to direct it to do so, the
3 second is on the request of the Crown Attorney, and the third is
4 on a request from the Police Services Board or the Chief of
5 Police?

6 **COMM. THOMAS CARRIQUE:** Yes. So really, there's
7 the four, because you could get a request from the Board, or you
8 could get a request from the Chief of Police. And as it relates
9 to the Crown Attorney, that is normally specific to a very
10 specific investigation or incident.

11 **MR. SUJIT CHOUDHRY:** Good. So I'd like to focus
12 on the first of those mechanisms, if we may.

13 So can we please call up CCF, and I think it's
14 00000011. And I'd like to go to page 15.

15 This is the *Police Services Act*, sir, which I'm
16 sure you're familiar with?

17 **COMM. THOMAS CARRIQUE:** Yes.

18 **MR. SUJIT CHOUDHRY:** So if we could go to page
19 15, please? Thank you.

20 So this is section 9 that we've spent a bit of
21 time on today. What I'd like to take you to is subsection 2.
22 And would you agree that subsection 2 says that if the
23 Commission were to find that the OPS was not providing adequate
24 and effective police services, it would have first communicated
25 this finding to the OPS Board and directed the OPS Board to take
26 necessary measures?

27 **COMM. THOMAS CARRIQUE:** Yes.

28 **MR. SUJIT CHOUDHRY:** And then after that,

1 subsection 3 provides if the Board does not comply with the
2 direction the Commission may request that the Commissioner have
3 the OPP give assistance?

4 **COMM. THOMAS CARRIQUE:** Yes.

5 **MR. SUJIT CHOUDHRY:** Thank you. And the word
6 "assistance" isn't defined in the statute? Would you agree?

7 **COMM. THOMAS CARRIQUE:** I would agree. I don't
8 know anywhere where assistance is defined.

9 **MR. SUJIT CHOUDHRY:** Well that's an interesting
10 question. But in this statute, it's not. But you're
11 interpreting "assistance" to include a take-over? Is that
12 right?

13 **COMM. THOMAS CARRIQUE:** It could. So normally
14 OCPC would provide direction in circumstances like this over the
15 administration of a police service so they can appoint a
16 temporary chief, they can ask the OPP to provide policing
17 services, they can appoint an administrator. There's various
18 forms that this can take place.

19 **MR. SUJIT CHOUDHRY:** But it could include a
20 takeover?

21 **COMM. THOMAS CARRIQUE:** I wouldn't call it a
22 takeover. It's providing the policing services in the
23 municipality. That doesn't mean that the police service becomes
24 defunct, but we would be relied upon to provide the services
25 that the Commission felt were not being provided.

26 **MR. SUJIT CHOUDHRY:** So I'd like to talk a bit
27 about the Commission, because it's -- you know, it's a bit of a
28 mysterious body.

1 Could we go to page -- could we go, please, to
2 section 22?

3 So, Commissioner, on this page and the next page,
4 we have a list of the Commission's responsibilities. I'm
5 assuming you're familiar with this provision?

6 **COMM. THOMAS CARRIQUE:** Generally. It's not
7 something that I deal with on a day-to-day basis. So I'm not
8 intimately familiar with it, but somewhat.

9 **MR. SUJIT CHOUDHRY:** And so, just for the sake of
10 time, I was wondering if we could please call up CCF00000041?

11 And so, Commissioner, this is a print out, or a
12 PDF about -- pardon me, can you just go up -- regarding the
13 Ontario Civilian Police Commission that's on the Public
14 Appointment Secretariat ---

15 **COMM. THOMAS CARRIQUE:** Okay. Thank you.

16 **MR. SUJIT CHOUDHRY:** --- website.

17 And if you could scroll down, please? There. If
18 you could stop there?

19 I'd just ask you to read to yourself how it
20 describes the function of the agency.

21 **COMM. THOMAS CARRIQUE:** Yes, thank you.

22 **MR. SUJIT CHOUDHRY:** Continue to the next page,
23 please. you can stop at the end of this top paragraph.

24 **COMM. THOMAS CARRIQUE:** Yes, thank you.

25 **MR. SUJIT CHOUDHRY:** So would you agree with the
26 following, that the Commission's mandate is mainly to conduct
27 investigations and inquiries into the conduct of Chiefs of
28 Police, police officers, and members of the Police Service

1 Boards, and to hear appeals on police discipline?

2 **COMM. THOMAS CARRIQUE:** That is a general
3 description of their responsibilities, yes. They're two-fold.
4 There's the adjudication piece and then there's the
5 investigative piece. There's two mandates.

6 **MR. SUJIT CHOUDHRY:** And would you agree that the
7 Commission's mandate is very different than that of a municipal
8 police board?

9 **COMM. THOMAS CARRIQUE:** Of a municipal police
10 board?

11 **MR. SUJIT CHOUDHRY:** Such as the OPS Board. So
12 the OPS Board has responsibility for recruiting and appointing
13 and directing a Chief of Police, but the Commission doesn't have
14 that role in respect to you; does it?

15 **COMM. THOMAS CARRIQUE:** No, it does not.

16 **MR. SUJIT CHOUDHRY:** And the OPS Board
17 establishes objectives, priorities, and policies of the OPS, but
18 the Commission doesn't have that role in respect of the OPP;
19 does it?

20 **COMM. THOMAS CARRIQUE:** No, it does not. And the
21 Commission is no exclusive to the OPP. Their responsibilities
22 are overarching over all police services in the Province of
23 Ontario.

24 **MR. SUJIT CHOUDHRY:** So it's not a police-wide --
25 it's not a province-wide police board; is it?

26 **COMM. THOMAS CARRIQUE:** It's not a police board,
27 but they have province-wide authorities. There's essentially
28 three independent oversights. There's the OIPRD, the Office of

1 Independent Review Directorate, there's the Special
2 Investigations Unit, and then there is the Ontario Civilian
3 Police Commission, that are defined in the Act.

4 **MR. SUJIT CHOUDHRY:** And so it's correct that you
5 wouldn't have had reason to brief the Commission on a daily
6 basis about the Ottawa protest; would you have?

7 **COMM. THOMAS CARRIQUE:** I have no interaction
8 with the Commission on a daily basis or at predetermined
9 intervals.

10 **MR. SUJIT CHOUDHRY:** Okay. Well then let me ask
11 you this question. So as a practical matter, under section 9.2
12 and 9.3, for the Commission to exercise its power to provide
13 direction to the OPS Board and then request you to take over or
14 assume responsibility for policing in Ottawa, if you don't
15 interact with the Commission, and if it's not a police board,
16 how does it make that decision? Would you have to recommend to
17 it that it take that decision? Or would the Deputy Solicitor
18 General have to recommend to the Commission that it take that
19 step?

20 **COMM. THOMAS CARRIQUE:** That would be a question
21 to ask of the Commission. And this is one of a number of ways
22 that you have highlighted. So a Police Services Board can also
23 ask for that level of assistance.

24 **MR. SUJIT CHOUDHRY:** So you didn't make that
25 recommendation to the Commission; did you?

26 **COMM. THOMAS CARRIQUE:** No, I did not.

27 **MR. SUJIT CHOUDHRY:** Okay.

28 **COMM. THOMAS CARRIQUE:** And I don't make

1 recommendations directly to the Commission.

2 **MR. SUJIT CHOUDHRY:** Thank you.

3 Commissioner, can I ask the Commissioner a couple
4 of questions about Ontario's emergency legislation or are we out
5 of time?

6 **COMMISSIONER ROULEAU:** You're not out of time as
7 of yet, but you're working on it.

8 **MR. SUJIT CHOUDHRY:** Okay. So could we quickly
9 turn to CCF00000038, please?

10 And so Commissioner, I take it you're familiar
11 with the *Emergency Management and Civil Protection Act*?

12 **COMM. THOMAS CARRIQUE:** Yes, somewhat.

13 **MR. SUJIT CHOUDHRY:** Could we go to pages -- to
14 the bottom of page 6, please?

15 And so I'd like to direct you to subsection 4 at
16 the bottom of page 6 here of section 7.02.

17 Maybe you could scroll up just a little bit so
18 the Commissioner can see the beginning of this.

19 So this is -- these are emergency powers that are
20 vested in the Provincial Cabinet in the event of a state of
21 emergency.

22 So could we please go down to the bottom of this
23 page. If you could stop there.

24 Would you agree that under a provincial state of
25 emergency the Provincial Cabinet can make an order regulating or
26 prohibiting travel or movement to, from, or within any specified
27 area in Ontario?

28 **COMM. THOMAS CARRIQUE:** Sorry, can you point me

1 to where that's articulated?

2 **MR. SUJIT CHOUDHRY:** That's subsection -- that's
3 Roman 2 under subsection 4. The very last line on that page.

4 **COMM. THOMAS CARRIQUE:** That's what that reads.

5 **MR. SUJIT CHOUDHRY:** Thank you.

6 Could we go to the next page, please, and stop
7 there.

8 Could you please look at Roman 4? Will you agree
9 that the Provincial Government, pardon me...

10 Roman -- excuse me. Roman -- pardon me, point 3.

11 Will you agree that the Provincial Cabinet could
12 evacuate individuals and remove personal property from any
13 specified area in the province under a state of emergency?

14 **COMM. THOMAS CARRIQUE:** I would agree with you
15 that that's what's written here.

16 **MR. SUJIT CHOUDHRY:** Yes. And so do you agree
17 that pursuant to this statute, the Provincial Cabinet could have
18 created a red zone around Parliament Hill?

19 **COMM. THOMAS CARRIQUE:** That's a fairly technical
20 question in law, as I would have had to seek legal advice on any
21 such order. The *EMCPA* that we dealt with, dealt with
22 identifying critical infrastructure, which was legislation that
23 was enacted on February the 12th that did provide very specific
24 locations or descriptions of locations where activities were
25 prohibited and then gave us the tools to deal with those
26 activities.

27 **MR. SUJIT CHOUDHRY:** And would you agree that
28 under these provisions the Premier, pardon me, the Cabinet could

1 have restricted the movement of heavy trucks into Downtown
2 Ottawa?

3 **COMM. THOMAS CARRIQUE:** So that's a legal
4 question that as a police officer I am not qualified to answer.

5 **MR. SUJIT CHOUDHRY:** Those conclude my questions.
6 Thank you.

7 **COMM. THOMAS CARRIQUE:** Thank you.

8 **COMMISSIONER ROULEAU:** Thank you.

9 Next is the JCCF. And who's on for the -- oh,
10 there are. Okay, go ahead.

11 **--- CROSS-EXAMINATION BY MR. ALAN HONNER:**

12 **MR. ALAN HONNER:** Yes, good evening,
13 Commissioner Carrique. My name is Alan Honner, and I am a
14 lawyer for the Democracy Fund.

15 **COMM. THOMAS CARRIQUE:** For who, sorry? The
16 signal cut out, I apologise.

17 **MR. ALAN HONNER:** Oh, pardon me. For the
18 Democracy Fund.

19 **COMM. THOMAS CARRIQUE:** Thank you.

20 **MR. ALAN HONNER:** Commissioner, as regards the
21 Ambassador Bridge blockade, I understand that the Windsor Police
22 Service were the police of jurisdiction, but the OPP took the
23 lead in coordinating enforcement.

24 **COMM. THOMAS CARRIQUE:** Correct, in cooperation
25 with Windsor Police, yes.

26 **MR. ALAN HONNER:** Right. And you told us that
27 part of the reason for that was public trust, but wasn't another
28 reason that the Windsor Police Service were not experienced with

1 large protests?

2 **COMM. THOMAS CARRIQUE:** I can't speak to the
3 extent of Windsor Police Service's experience, but they
4 certainly would not have the experience of a large city like
5 Toronto or Ottawa.

6 **MR. ALAN HONNER:** And this protest at the
7 Ambassador Bridge, it was obviously -- it was a large protest.

8 **COMM. THOMAS CARRIQUE:** It was what, sorry?

9 **MR. ALAN HONNER:** It was a large protest?

10 **COMM. THOMAS CARRIQUE:** I can't specifically
11 state the numbers, but I would define it as a larger protest.
12 In terms of impact, there were a number of motor vehicles, there
13 were a number of people, and it took over 400 police resources
14 to deal with that protest.

15 **MR. ALAN HONNER:** I just want to ask you some
16 questions about how the OPP and their partners managed to clear
17 that process -- that protest. And so I understand from your
18 evidence earlier today that the injunction, while it was
19 helpful, it wasn't effective in isolation.

20 **COMM. THOMAS CARRIQUE:** Correct.

21 **MR. ALAN HONNER:** What was really effective was
22 the Operational Plan of February the 12th; is that right?

23 **COMM. THOMAS CARRIQUE:** Yes, it was the
24 Operational Plan of February 12th that enabled the police
25 actions to successfully disperse the blockade, yes.

26 **MR. ALAN HONNER:** And they were able to
27 successfully disperse the blockade at the bridge on February the
28 12th. Does that sound right to you?

1 **COMM. THOMAS CARRIQUE:** Between February the 12th
2 and into February the 13th. It was a two day operation.

3 **MR. ALAN HONNER:** So can we pull up OTT0000689?

4 **THE CLERK:** Sorry, Counsel, could you repeat that
5 document ID?

6 **MR. ALAN HONNER:** Yes, OTT00006819.0001. Oh, you
7 know, I apologise. It's OPP00001554.

8 Sir, if you see this document, it's an email from
9 Commissioner Lucki to you, sorry, from you to Lucki, and you say
10 ---

11 **COMM. THOMAS CARRIQUE:** Yeah.

12 **MR. ALAN HONNER:** --- and you say here on
13 February the 12th that the OPP, the RCMP, the London Police and
14 "POUs cleared the blockade at the Ambassador Bridge." So I'm
15 just talking about at the Ambassador Bridge, not in the city.

16 **COMM. THOMAS CARRIQUE:** Yes. So there was a
17 large piece of geography that the officers had to contend with,
18 so the specific blockage at the bridge was cleared on that date,
19 and they still had more protesters that had to be cleared out of
20 the general area to ensure that that was secured.

21 **MR. ALAN HONNER:** And that happened on the 13th.

22 **COMM. THOMAS CARRIQUE:** The second portion of the
23 Operational Plan happened on the 13th, yes.

24 **MR. ALAN HONNER:** Yes, thank you. And then, in
25 the early morning of the 14th, the Ambassador Bridge opened to
26 traffic. Is that right?

27 **COMM. THOMAS CARRIQUE:** That is correct, yes.

28 **MR. ALAN HONNER:** Okay. And obviously that was

1 before the invocation of the *Emergencies Act*.

2 **COMM. THOMAS CARRIQUE:** Yes, it was.

3 **MR. ALAN HONNER:** The next day, on February the
4 15th, the bridge was fully operational.

5 **COMM. THOMAS CARRIQUE:** I believe so. I believe
6 so, but that's best to come from the local Police Service of
7 jurisdiction or Superintendent Dana Earley, but that's my
8 understanding, yes.

9 **MR. ALAN HONNER:** Thank you. We'll confirm that
10 with Dana Earley. Earlier today, my friend from the City of
11 Windsor brought you to a document, it was a Traffic Plan, and it
12 was OPP00000011. Did you have a chance to review that plan
13 before coming here today?

14 **COMM. THOMAS CARRIQUE:** No, I did not. That's
15 the first I have seen the plan is when it was presented to me
16 here today.

17 **MR. ALAN HONNER:** So I'm going to suggest to you
18 that if you did look at that plan you would see that the powers
19 which are listed in that plan to control traffic deal with
20 federal legislation, such as the *Criminal Code*, and Provincial
21 legislation, but they don't make any reference to the
22 *Emergencies Act*, and it's for the obvious point that the plan
23 was created on February the 13th, 2022.

24 **COMM. THOMAS CARRIQUE:** That would be correct.
25 There would be no ability to reference legislation that did not
26 exist.

27 **MR. ALAN HONNER:** I understand that there were
28 police officers for -- in Windsor for quite a while after the

1 bridge was cleared, but they wouldn't be required to be there to
2 control traffic.

3 **COMM. THOMAS CARRIQUE:** There specific duties, I
4 would suggest, should be provided by Superintendent Earley, or
5 specifically the Windsor Police. I'm not familiar with what
6 they had them doing day-to-day, I'm sorry.

7 **MR. ALAN HONNER:** That's fine, thank you.
8 Earlier today, you told us a little bit about the economic
9 impacts of the blockade of the Ambassador Bridge, and I think
10 you said it was \$700 million per day?

11 **COMM. THOMAS CARRIQUE:** That was my
12 understanding, yes, of two-way trade.

13 **MR. ALAN HONNER:** That's not your specialty.
14 That's just something that you were told.

15 **COMM. THOMAS CARRIQUE:** That's just something
16 that I'm aware of, yes. Certainly not my specialty, not
17 anything that I have verified or confirmed, but certainly my
18 understanding.

19 **MR. ALAN HONNER:** Understood. You can't tell us,
20 then, whether that financial impact by mitigated by traffic
21 being diverted to the Detroit/Windsor Tunnel or to the Blue
22 Water Bridge?

23 **COMM. THOMAS CARRIQUE:** That's not something that
24 I could comment on no; sorry.

25 **MR. ALAN HONNER:** Earlier today, when you were
26 telling us about the Blue Water Bridge, you said that the
27 blockade wasn't actually at the Blue Water Bridge, but it was
28 some 30 to 40 kilometres away.

1 **COMM. THOMAS CARRIQUE:** That is correct, yes.

2 **MR. ALAN HONNER:** Do I understand correctly that
3 the OPP were able to clear that blockade by February the 14th?

4 **COMM. THOMAS CARRIQUE:** I don't recall the exact
5 date, but we were able to clear it in and around that date, yes,
6 in very close proximity to clearing the Ambassador Bridge.

7 **MR. ALAN HONNER:** And in any event, when you
8 cleared that blockade, what was very useful was the PLT teams
9 and the risks caused to the protestors by the EMPCA.

10 **COMM. THOMAS CARRIQUE:** EMCPA, yes. Correct.

11 **MR. ALAN HONNER:** EM -- thank you.

12 One last question, just about Cornwall, because
13 that came up in your evidence today too, and you said that there
14 was a point of entry in Cornwall which was blocked on February
15 the 12th, and that there were significant concerns there. Among
16 other things, you said it jurisdictional and complex. You said
17 there were concerns of violence.

18 I was wondering, can you tell us, was there a lot
19 of farm equipment at that protest?

20 **COMM. THOMAS CARRIQUE:** I believe there was farm
21 equipment at that protest, yes.

22 **MR. ALAN HONNER:** And when you talked about the
23 Blue Water Bridge protest -- I know it wasn't at the Blue Water
24 Bridge -- but I'm referring it to that -- in that way, the 402
25 protest -- the provincial emergency powers were effective
26 because that was farm equipment.

27 Was it also effective at Cornwall?

28 **COMM. THOMAS CARRIQUE:** I can't say that it was

1 effective because it was farm equipment, but it was an effective
2 tool that we relied upon.

3 I can't say in the case of Cornwall of what
4 effectively enabled them to de-escalate that situation. That
5 was a momentary blockade, a momentary demonstration that did not
6 last for any prolonged period of time.

7 **MR. ALAN HONNER:** In fact, I think it cleared by
8 the same day, by February the 12th?

9 **COMM. THOMAS CARRIQUE:** It did, correct.

10 **MR. ALAN HONNER:** Okay. Thank you, Commissioner.
11 Those are my questions.

12 **COMM. THOMAS CARRIQUE:** Thank you.

13 **COMMISSIONER ROULEAU:** Thank you.

14 Next I'd like to call on the National Police
15 Federation.

16 **--- CROSS-EXAMINATION BY MS. LAUREN PEARCE:**

17 **MS. LAUREN PEARCE:** Hi there. I'm Lauren Pearce.
18 I'm counsel for the National Police Federation.

19 **COMM. THOMAS CARRIQUE:** Hi.

20 **MS. LAUREN PEARCE:** Just a couple of very quick
21 questions for you.

22 This morning, in response to some questions from
23 Commission counsel, you referred to having heard concerns about
24 the under-utilization of RCMP resources, that some folks may be
25 sitting around waiting for assignments?

26 **COMM. THOMAS CARRIQUE:** Yes.

27 **MS. LAUREN PEARCE:** Are you able to tell us a
28 little bit more detail about what you remember hearing?

1 **COMM. THOMAS CARRIQUE:** Not specifically. I
2 believe there was -- there may have been reference to up to 250
3 RCMP resources that were available that were not being utilized,
4 but that's just going by memory, and that's evidence best shared
5 with you by the RCMP. I was aware of the concern, but not
6 something that I was intimately involved with.

7 **MS. LAUREN PEARCE:** Okay. And do you remember
8 approximately when those concerns were conveyed to you?

9 **COMM. THOMAS CARRIQUE:** No, I don't remember. It
10 would have been very early on, so I would say within the first
11 week of February, and it wasn't so much that they were conveyed
12 to me as much as I became known of it, so you would have to
13 verify that information. I don't have firsthand direct
14 information of that.

15 **MS. LAUREN PEARCE:** Okay. Absolutely.
16 So moving on to another area, I understand the
17 Ontario Provincial Police is responsible for the security at
18 Queen's Park?

19 **COMM. THOMAS CARRIQUE:** We have responsibilities
20 -- some responsibilities for Queen's Park, but there's also LPS,
21 Legislative Protective Services that has responsibilities for
22 the protection of individuals within Queen's Park. We have
23 responsibility for the physical security aspects of it.

24 **MS. LAUREN PEARCE:** Right. Okay.

25 And at a high level, are you familiar with the
26 Parliamentary Protective Service and their being responsible for
27 the physical security of Parliament Hill?

28 **COMM. THOMAS CARRIQUE:** Somewhat. I don't have

1 intimate details as to who has what mandate and
2 responsibilities. I know that they exist and that we work in
3 collaboration with them, but I can't provide any direct insight
4 into mandates or responsibilities.

5 **MS. LAUREN PEARCE:** That's fair. I saw in your
6 witness statement that you identified one of the key issues for
7 this inquiry to examine as the ability and responsibility to
8 lock down the Parliamentary precinct.

9 **COMM. THOMAS CARRIQUE:** Yes.

10 **MS. LAUREN PEARCE:** Are you able to elaborate for
11 us a little bit about why you identify that as a key issue?

12 **COMM. THOMAS CARRIQUE:** Well, I think if we look
13 back at the events that have transpired and we look forward,
14 part of our responsibility is to mitigate something like this
15 happening again in the future. This is the Parliament for our
16 country. It's an extremely important critical infrastructure
17 and there ought to be a pre-determined plan that can be
18 exercised to shut that area down if there is a threat relying on
19 hard security features and interoperability between the various
20 security agents that have -- or agencies that have roles and
21 responsibilities.

22 **MS. LAUREN PEARCE:** Thank you very much. I have
23 no more questions.

24 **COMM. THOMAS CARRIQUE:** Thank you.

25 **COMMISSIONER ROULEAU:** Thank you. Next, I would
26 call on the Province of Saskatchewan.

27 **MR. MITCH McADAM:** Good afternoon, Commissioner.
28 It's Mitch McAdam from the Government of Saskatchewan.

1 The matters that I was going to ask this witness
2 about have already been covered by others, so I have no
3 questions. Thank you.

4 **COMMISSIONER ROULEAU:** Thank you. Next, call on
5 the Province of Alberta.

6 **MS. MANDAY ENGLAND:** Good afternoon. It's Manday
7 England for the Government of Alberta. We similarly have no
8 questions this afternoon. Thank you very much.

9 **COMMISSIONER ROULEAU:** Next, I'd like to call on
10 the OPP.

11 **--- CROSS-EXAMINATION BY MR. CHRISTOPHER DIANA:**

12 **MR. CHRISTOPHER DIANA:** Good evening,
13 Commissioner. Christopher Diana for the OPP.

14 **COMM. THOMAS CARRIQUE:** Good evening.

15 **MR. CHRISTOPHER DIANA:** We heard some evidence
16 earlier, and you were taken to a series of text messages with
17 Deputy Minister Di Tommaso. Do you remember speaking about
18 those text messages?

19 **COMM. THOMAS CARRIQUE:** Yes, I do.

20 **MR. CHRISTOPHER DIANA:** And I believe your
21 evidence was that your role in this was to provide him with -- I
22 think your words were "situational awareness". Is that correct?

23 **COMM. THOMAS CARRIQUE:** That is correct, yes.

24 **MR. CHRISTOPHER DIANA:** And there were, if I
25 remember, there were a lot of text messages in that exchange.
26 Is that unusual that there would be that many text messages?

27 **COMM. THOMAS CARRIQUE:** This whole event and
28 series of events were unusual, so it would be extremely unusual

1 that there would be that amount of communication required back
2 and forth between myself and the deputy solicitor general.

3 **MR. CHRISTOPHER DIANA:** And all the communication
4 that you had with Deputy Tommaso, the text messages, the phone
5 calls, did the deputy ever try to direct you to do anything?

6 **COMM. THOMAS CARRIQUE:** Absolutely not, no.

7 **MR. CHRISTOPHER DIANA:** Did the deputy ever
8 suggest that you ought to be pursuing a certain course of
9 action?

10 **COMM. THOMAS CARRIQUE:** No.

11 **MR. CHRISTOPHER DIANA:** Did anyone from the
12 Government of Ontario try to pressure you in any way?

13 **COMM. THOMAS CARRIQUE:** Absolutely not.

14 **MR. CHRISTOPHER DIANA:** Were you ever asked by
15 the deputy -- were you asked by the deputy at any point if there
16 were any tools that the OPP could use in helping you resolve
17 this issue?

18 **COMM. THOMAS CARRIQUE:** I was certainly asked by
19 the Ministry, which is under the supervision and direction of
20 the deputy, whether there were any tools that would be of
21 assistance, and I believe the first meeting where those
22 conversations commenced was on February the 10th, and
23 ultimately, I made suggestions towards the *Emergency Measures*
24 *and Civil Protection Act* that resulted in the ability to seize
25 permits, seize vehicles, and there were charges related to not
26 following the direction of a police officer.

27 **MR. CHRISTOPHER DIANA:** Right. So when you were
28 asked for your views on the tools you could use, kind of what do

1 you recall asking for? You've mentioned a couple of things, but
2 what do you remember asking for, essentially?

3 **COMM. THOMAS CARRIQUE:** Asking for the ability if
4 somebody was engaged in unlawful activity that was posing a risk
5 to critical infrastructure, and in this case, border crossings
6 and other ports of entry, that officers had the ability to put
7 an end to that by being able to seize the vehicle, seize a
8 permit for the vehicle, what's called a CVOR which is in
9 relation to a commercial motor vehicle, and be able to seize a
10 driver's licence, and impose fines.

11 **MR. CHRISTOPHER DIANA:** Were you provided with
12 the tools that you requested?

13 **COMM. THOMAS CARRIQUE:** We were provided with the
14 tools we requested, yes.

15 **MR. CHRISTOPHER DIANA:** And were those tools
16 useful to the OPP?

17 **COMM. THOMAS CARRIQUE:** I believe that they were
18 useful to the OPP, and not so much in that there were ample
19 charges laid, but as a deterrent, being able to, as has been
20 previously indicated, rely upon the framework to discourage or
21 disrupt any would-be illegal activity or anything that is
22 currently ongoing.

23 **MR. CHRISTOPHER DIANA:** I recall you mentioning
24 the Highway 402. Was that a context where those tools were
25 used?

26 **COMM. THOMAS CARRIQUE:** I believe that those
27 tools were effective in the Highway 402 blockage, yes.

28 **MR. CHRISTOPHER DIANA:** Switching gears to talk

1 about the federal *Emergencies Act*, did you know that the federal
2 government was going to declare or going to invoke the
3 *Emergencies Act*?

4 **COMM. THOMAS CARRIQUE:** I did not, no.

5 **MR. CHRISTOPHER DIANA:** When did you find out?

6 **COMM. THOMAS CARRIQUE:** The -- at the time that
7 it was invoked, it was made known publicly. And I think in and
8 around that time as well, Commission Lucki and I very likely
9 would have connected on that, but I received no official
10 notification that it was going to be or that it had been
11 invoked.

12 **MR. CHRISTOPHER DIANA:** Were you consulted by
13 anyone within the federal government or on behalf of the federal
14 government as to whether any of those tools would be useful to
15 the OPP?

16 **COMM. THOMAS CARRIQUE:** No, I was not.

17 **MR. CHRISTOPHER DIANA:** Did RCMP Commissioner
18 Lucki ever raise the issue with you as to whether those tools
19 would be useful?

20 **COMM. THOMAS CARRIQUE:** No, we didn't have a
21 discussion around specific tools that would be included in the
22 *Emergencies Act*. We made have had discussions in an around, you
23 know, what is required for policing in general but never in the
24 context of the *Emergencies Act*. I did make her aware of what --
25 the advice I had provided in relation to the EMCPA but no, no
26 discussions specifically to the *Emergencies Act* or the
27 contemplation thereof.

28 **MR. CHRISTOPHER DIANA:** Obviously, a big part of

1 what we're doing here is kind of looking at what happened, but
2 the other part is looking forward. My question for you in that
3 respect is, would it be useful if the federal government, in
4 such a context down the road, perhaps through the RCMP
5 Commissioner, consulted with the OPP Commissioner about whether
6 such tools would be useful?

7 **COMM. THOMAS CARRIQUE:** I think that would be
8 appropriate and useful, yes.

9 **MR. CHRISTOPHER DIANA:** Or whether the tools
10 would be necessary?

11 **COMM. THOMAS CARRIQUE:** Yeah, certainly, if it
12 related to activities that are ongoing in the Province of
13 Ontario or could be going on in the Province of Ontario, I think
14 it would be nice to have the opportunity and to provide any
15 insight or guidance that may be applicable.

16 **MR. CHRISTOPHER DIANA:** Now, obviously, you have
17 a number of different types of relationships; you report up to
18 the deputy minister; you have discussions with the RCMP
19 Commissioner. How do you think such consultation could take
20 place?

21 **COMM. THOMAS CARRIQUE:** I think it can -- it
22 could go either -- in both ways. If the Commissioner of the
23 RCMP is the one that is providing that advice to the federal
24 government, then that's an appropriate conversation to have
25 between commissioners. If the federal government is asking for
26 inputs from a provincial ministry, then that request should flow
27 through the deputy minister to me, if he deems or she deems
28 appropriate that I provide such advice.

1 **MR. CHRISTOPHER DIANA:** Right. Now switching
2 over to intelligence and Hendon Reports.

3 **COMM. THOMAS CARRIQUE:** Yes.

4 **MR. CHRISTOPHER DIANA:** There was a little bit of
5 discussion and evidence about the origin of Hendon, but my
6 question is, considering Hendon looks almost at a national
7 picture and OPP is a provincial police service, how is it that
8 the OPP ended up taking this on?

9 **COMM. THOMAS CARRIQUE:** We were dealing with a
10 number of event and activities in 2001 and it was extremely
11 important to us at the time that our decision-making considered
12 impacts that may be felt nationally to decision that we would
13 make locally. And we required additional intelligence to be
14 able to make those informed decisions, hence Hendon was born
15 through the cooperation of our partners which include the RCMP.

16 **MR. CHRISTOPHER DIANA:** But I -- the RCMP did not
17 have a similar program?

18 **COMM. THOMAS CARRIQUE:** There was not a similar
19 product that I was in receipt of, no, not as it specifically
20 related to the activities that were of interest to us.

21 **MR. CHRISTOPHER DIANA:** Were heard evidence
22 yesterday from Supt. Bernier of the Ottawa Police Service who,
23 when he saw -- upon seeing the Hendon Reports, remarked upon how
24 comprehensive they were. In your role as Commissioner, did you
25 receive any feedback on the quality of Hendon Reports?

26 **COMM. THOMAS CARRIQUE:** Regularly and often, yes,
27 lots of positive feedback on the quality of the Hendon Reports,
28 the timing of the Hendon Reports, the briefing that were

1 provided to the Intelligence Bureaus by the Provincial
2 Operational Intelligence Bureau, and also very positive feedback
3 on the briefings that Supt. Pat Morris provided to the affected
4 chiefs of police.

5 **MR. CHRISTOPHER DIANA:** I do want to go into
6 another area which I think there may be some confusion and I
7 want you to try to clarify this so that everybody can understand
8 your perspective on it. My friend from the Commission took you
9 through your thoughts on whether this was a national security
10 threat. You talked about the word "potential", what that means.
11 On cross-examination, the two Brendans each asked you to look at
12 different aspects of this. You know, one asked you about
13 definition under the *CSIS Act*. One asked you whether there was
14 a risk or a threat to national security. And I guess my
15 question is, just to avoid any confusion, at any point, did you
16 become concerned that the situation in Ottawa and elsewhere gave
17 rise to a national security threat?

18 **COMM. THOMAS CARRIQUE:** Yes.

19 **MR. CHRISTOPHER DIANA:** And what was your basis
20 for that conclusion?

21 **COMM. THOMAS CARRIQUE:** For the contents
22 contained in the Hendon Report, specifically on February the 7th,
23 that caused concern for the combination of events and activities
24 that were taking place that, as was articulated, in that report,
25 it posed a possible threat to national security.

26 **MR. CHRISTOPHER DIANA:** Right. And you also
27 referenced the description by, I believe, Public Safety Canada
28 and various criteria. Is your assessment based on the Public

1 Safety Canada criteria?

2 **COMM. THOMAS CARRIQUE:** And I wouldn't call it
3 "criteria" as much as I would reference in various material. I
4 think national security is much more complex and broad than the
5 threat to the security of Canada that's confined in the *CSIS*
6 Act. National security has a number of components. It's the
7 extent to which that poses a threat should determine how that is
8 mitigated and how that is dealt with.

9 **MR. CHRISTOPHER DIANA:** All right. And there is
10 a document, which I don't believe has been referred to in the
11 evidence that I think I'd like to ask you about, and that's a
12 Hendon Report dated February 19th. It's Document ID OPP1634.

13 **COMM. THOMAS CARRIQUE:** I believe this is the one
14 that refers to foreign influences, I believe, counsellor?

15 **MR. CHRISTOPHER DIANA:** It does indeed, yes. And
16 so obviously you've reviewed this Hendon Report, consistent with
17 your evidence; correct?

18 **COMM. THOMAS CARRIQUE:** Yes, I -- I certainly
19 can't provide much more detail than that without examining it
20 further but I know that there were concerns raised in this
21 report as well in relation to national security or the security
22 of Canada.

23 **MR. CHRISTOPHER DIANA:** So let's go to page 6 and
24 scroll down. All right, you see under "Assessment" -- if you
25 could just take a moment just to read the first paragraph to
26 yourself, and I want to ask about that.

27 **COMM. THOMAS CARRIQUE:** I've read the first
28 paragraph, thank you.

1 **MR. CHRISTOPHER DIANA:** All right. Now, what's -
2 - and the context of this, of course, of February 19th, is during
3 the operation in Ottawa, but what're your understanding of what
4 that paragraph is trying to convey?

5 **COMM. THOMAS CARRIQUE:** I think it -- I think
6 it's fairly clear and, at the risk of just reading it back, it
7 is conveying that it is almost that the Freedom Movement
8 blockades and protests represent a long-term threat to public
9 safety and security domestically.

10 **MR. CHRISTOPHER DIANA:** Right. And that
11 certainly is a cause of concern for the OPP?

12 **COMM. THOMAS CARRIQUE:** Yes, absolutely.

13 **MR. CHRISTOPHER DIANA:** All right. Can you go to
14 page 7, please? And if you can again read that last paragraph
15 to yourself.

16 **COMM. THOMAS CARRIQUE:** Thank you.

17 **MR. CHRISTOPHER DIANA:** So when you look at this
18 paragraph and you look at the previous one that I read, kind of
19 what's the time horizon in this kind of assessment?

20 **COMM. THOMAS CARRIQUE:** Sorry, what do you mean
21 by "the time horizon"?

22 **MR. CHRISTOPHER DIANA:** In terms of potential
23 threat or risk to Canada, is there a timeframe identified in
24 those paragraphs?

25 **COMM. THOMAS CARRIQUE:** I don't see a timeframe
26 specifically identified in those paragraphs. It would range
27 from at that moment in time and looking forward.

28 **MR. CHRISTOPHER DIANA:** All right, that's fine.

1 If we can put up -- I'd like to address the concern raised by my
2 friend, counsel for the City of Ottawa, in terms of the numbers
3 that were at your disposal. If we can put up the OPP's
4 Institutional Report. That's OPP.IR., probably a bunch of
5 zeros, and 1 -- probably 7. All right, so you're familiar with
6 this document, I expect?

7 **COMM. THOMAS CARRIQUE:** I am familiar with this
8 document, yes.

9 **MR. CHRISTOPHER DIANA:** All right. Can we go to
10 page 36, please? All right, if you scroll down -- okay, that's
11 good there. All right, so do you see that chart?

12 **COMM. THOMAS CARRIQUE:** Yes, that's representing
13 the number of frontline officers which would be separate and
14 apart from the number of Public Order officers that were in
15 Ottawa and other specialties that were there.

16 **MR. CHRISTOPHER DIANA:** Right.

17 **COMM. THOMAS CARRIQUE:** So that's one component
18 of the deployment that was there.

19 **MR. CHRISTOPHER DIANA:** So to your knowledge or
20 understanding, are those numbers accurate when it comes to the
21 number of frontline officers?

22 **COMM. THOMAS CARRIQUE:** To my knowledge and
23 understanding, yes.

24 **MR. CHRISTOPHER DIANA:** All right. And you'll
25 see on the top of the chart, it says, "OPP frontline officers
26 provided to Ottawa Police Service," and then a footnote, 50. If
27 we can scroll down to the footnote. And that footnote tells us
28 that:

1 "These numbers only refer to frontline
2 officers. It does not refer to the
3 large number of OPP members in OPP POU,
4 OPP Logistics Support Team members, OPP
5 PLT, POIB members, OPP Auxiliary and
6 Special Constables and Aviation
7 Services members."

8 Do you see that?

9 **COMM. THOMAS CARRIQUE:** I do see that. And I
10 see reference to a number of 463 over a 24-hour period.

11 **MR. CHRISTOPHER DIANA:** Right. You have, again,
12 no reason to be concerned about the accuracy of those numbers?

13 **COMM. THOMAS CARRIQUE:** No, I do not.

14 **MR. CHRISTOPHER DIANA:** Thank you, Commissioner.
15 Those are my questions.

16 **COMM. THOMAS CARRIQUE:** Thank you.

17 **COMMISSIONER ROULEAU:** Okay. Any re-examination?

18 **--- RE-EXAMINATION BY MR. ERIC BROUSSEAU:**

19 **MR. ERIC BROUSSEAU:** Eric Brousseau, Commissioner
20 Counsel, for the record.

21 Commissioner Carrique, just two very brief points
22 and one slightly longer point.

23 The first is if I could get your witness summary
24 up, which is WTS00000039? And if we go to page 5, in the middle
25 of that page?

26 This is just to clarify, in response to a friend
27 -- a question from my friend, Mr. Champ, about the number of
28 officers deployed to Windsor.

1 So if you see there at the last sentence of that
2 paragraph:

3 "In total, the OPP deployed 410 members to
4 assist WPS. The Minimum number of members
5 deployed in a 24-hour period was 38 and
6 the maximum was 263."

7 And it actually cites, in footnotes, to the
8 Institutional Report?

9 **COMM. THOMAS CARRIQUE:** Yes.

10 **MR. ERIC BROUSSEAU:** Is that -- is what is in
11 your summary accurate in terms of the number of officers
12 deployed to Windsor?

13 **COMM. THOMAS CARRIQUE:** Yes. And this is ranging
14 from the time they arrived on ground to the end of February or
15 February 28th.

16 **MR. ERIC BROUSSEAU:** Okay. and so it's not 410
17 at any one time? The maximum, as we see, is 263? Is that
18 correct?

19 **COMM. THOMAS CARRIQUE:** That's correct. In
20 total. In total OPP deployed.

21 **MR. ERIC BROUSSEAU:** Okay. A second document
22 that I want to put to you is OPS00001547.

23 You in fact -- sorry, Mr. Clerk, as you're doing
24 that, I think it might be OPP00001457, a mistake the parties
25 make often on their witness lists.

26 This is -- when the clerk pulls it up, it's an
27 email from Chief Sloly to you and to Commissioner Lucki the
28 evening of February 13th. And I asked you, and when you were

1 cross-examined, sort of about the calls that you had -- the two
2 calls that you had with Commissioner Lucki on the 15th. Do you
3 recall that?

4 **COMM. THOMAS CARRIQUE:** Yes.

5 **MR. ERIC BROUSSEAU:** And I think you said one of
6 your concerns was the delay in sort of moving forward. Is that
7 fair?

8 **COMM. THOMAS CARRIQUE:** Yeah, so there were
9 reports of obstacles that were preventing the planning team from
10 moving forward. We had had this email exchange on the 13th of
11 February. It was consistent with the communication on the 12th
12 of February, that the Chief was in support of the plan.

13 However, by the time we got into the 14th of
14 February and the morning of the 15th, we were receiving reports
15 that there were obstacles preventing the plan from moving
16 forward, and some of those obstacles were perceived that the
17 Chief had to approve the plan, which was inconsistent with the
18 communication we had previously had, which was part of the need
19 to speak with Chief Sloly myself to determine what was actually
20 going on.

21 **MR. ERIC BROUSSEAU:** Okay. And so I just wanted
22 to clarify, you received this, you were still hearing after the
23 13th that Chief Sloly was -- there was an impediment and that
24 Chief Sloly might be part of that impediment?

25 **COMM. THOMAS CARRIQUE:** Maybe. Maybe, yes.

26 **MR. ERIC BROUSSEAU:** Okay. Which was
27 inconsistent with what you had received from Chief Sloly the
28 evening of February 13th?

1 **COMM. THOMAS CARRIQUE:** Correct. That was
2 inconsistent with the email that I had received from Chief Sloly
3 on the 13th.

4 **MR. ERIC BROUSSEAU:** Okay. And the last issue I
5 want to address is the issue of the tow trucks, because I think
6 it's important that we all understand sort of the order and the
7 sequence of events.

8 And so if I could take you to OPP00001585, which
9 is a document that I took you to this morning. This is the
10 email from Deputy Commissioner Di Marco, which ends up being
11 forwarded to you.

12 If we can go down to Deputy Commissioner Di
13 Marco's initial email at the bottom, which is dated February 13th
14 at 2:29 p.m.

15 So, Deputy Commissioner Di Marco reports to the
16 group:

17 "Companies who would provide service: 7
18 [companies] with 34 total Heavy Tow units"

19 Is that consistent with what you understand to be
20 the case as of that time?

21 **COMM. THOMAS CARRIQUE:** Yes. I can't
22 specifically recall the numbers, but it's consistent with what I
23 recall.

24 **MR. ERIC BROUSSEAU:** Okay. And if we scroll down
25 -- sorry, just at the bottom of that email actually. The last
26 paragraph:

27 "As you suggested, it may be very helpful
28 to have the immunity Emerg Order ready for

1 community members to assist with
2 land/facilities if required."

3 Do you know what the Deputy Commissioner is
4 referring to here?

5 **COMM. THOMAS CARRIQUE:** So that may have been in
6 relation to where they were going to stage the tow trucks, how
7 they were going to maneuver the tow trucks, and where they were
8 going to remove the seized vehicles to.

9 What's the date of this email, sorry?

10 **MR. ERIC BROUSSEAU:** It's February 13th at 2:29.

11 **COMM. THOMAS CARRIQUE:** February the 13th. So
12 there was a lot of times that the EMCPA was being referenced,
13 and there were other times that the EA was being referenced. At
14 this point in time, there is no *Emergencies Act*.

15 **MR. ERIC BROUSSEAU:** Correct. This is ---

16 **COMM. THOMAS CARRIQUE:** Right.

17 **MR. ERIC BROUSSEAU:** If this -- this is a
18 reference to the EMCPA, if anything?

19 **COMM. THOMAS CARRIQUE:** Yes.

20 **MR. ERIC BROUSSEAU:** And it's -- as I think you
21 just pointed out, it's a reference to the staging areas for tow
22 trucks or for trucks that are towed, not to a concern on behalf
23 of the towing companies themselves? Is that fair?

24 **COMM. THOMAS CARRIQUE:** No, I don't perceive that
25 is a concern on behalf of the towing companies themselves,
26 although there were concerns from the towing companies about
27 indemnity.

28 **MR. ERIC BROUSSEAU:** Okay. And then we've -- the

1 Emergency -- so the Act is invoked on February 14th. The
2 Emergency Management -- the Emergency Measures Regulations are
3 published on the 15th. And I take it you're aware, those
4 required a -- either a written request to render services or a
5 verbal request followed up in writing as soon as possible?

6 **COMM. THOMAS CARRIQUE:** That is correct. And it
7 was a bit of a scramble to get orientated with the provisions in
8 that legislation, not having any advance notice that it was
9 coming, there was no ability to provision in our planning for
10 the utilization of those tools. We required legal assistance to
11 determine what was possible, and then to be able to look at how
12 we might be able to use those tools.

13 **MR. ERIC BROUSSEAU:** Okay. And I won't take you
14 to it in the interest of time, but you're February 17th letter,
15 which we saw this morning and this afternoon, you've actually
16 written in there, this is the one that goes to all identified
17 towing companies, it says:

18 "This letter is written confirmation of
19 verbal instructions from the OPP acting on
20 behalf of the RCMP to provide these
21 services from the date of the Regulations
22 coming into force [which was the 15th] and
23 notice that you are required to continue
24 to comply and provide these services."

25 (As read)

26 **COMM. THOMAS CARRIQUE:** Yes.

27 **MR. ERIC BROUSSEAU:** So your letter, just so we
28 understand, your letter was that sort of after the fact written

1 confirmation of the verbal direction to provide towing services?

2 **COMM. THOMAS CARRIQUE:** Yes. We had had officers
3 dealing with the tow providers directly and through the Ministry
4 of Transportation. My understanding was they were all
5 coordinated, organized, and ready to go.

6 **MR. ERIC BROUSSEAU:** Okay. And my friend for the
7 Government of Canada took you to your letter to Deputy Solicitor
8 General Di Tommaso on February 22nd. And part of that letter,
9 again, in the interest of time, I will just read it to you, you
10 updated the Deputy Solicitor General and said:

11 "As matters unfolded operationally in
12 real time, the Ontario Provincial
13 Police was made aware of the
14 following:" (As read)

15 And the first bullet point, which you may recall:

16 "The vendor community was highly
17 reluctant to assist the police." (As
18 read)

19 **COMM. THOMAS CARRIQUE:** Correct.

20 **MR. ERIC BROUSSEAU:** And so -- and my question is
21 if you can assist us in terms of what transpired and the timing
22 because it appears from Deputy Commissioner DiMarco's email that
23 as of the afternoon of the 13th there are tow truck companies
24 lined up, but at some point you have compelled them verbally and
25 followed up with confirmation in writing. What changed for the
26 towing companies between the 13th and the 17th when you sent the
27 letter?

28 **COMM. THOMAS CARRIQUE:** Yeah, for direct

11 The plan had a contingency that they could
12 execute the plan with as little as two tow trucks, and we also
13 had police personnel lined up to operate heavy tow vehicles
14 should we not be able to get the assistance of professional tow
15 operators.

20 **COMM. THOMAS CARRIQUE:** I can't say what the
21 proportion of concern would have been, but I was assured that
22 with or without they would've been able to get the job done. It
23 would've taken more time, it would've required potentially our
24 officers having to operate tow trucks, but we still would've
25 moved forward with the execution of the Operational Plan.

28 COMM. THOMAS CARRIQUE: Thank you.

1 **COMMISSIONER ROULEAU:** Okay. Well, I -- it
2 leaves me with the possibility to ask a few questions. Given
3 the hour, I'm going to try and be relatively limited and just a
4 few bits of information.

5 You, towards the end of your testimony, you were
6 asked about the Hendon reports and if there is anything similar
7 in the federal -- from the Federal Police Service. And I think
8 you said not to your knowledge?

9 **COMM. THOMAS CARRIQUE:** Not specific to this,
10 Commissioner. So there are a number of products that are
11 produced federally in relation to threat assessments in relation
12 to national security, but there was nothing specific that dealt
13 with the issues we were managing in 2001 specific to rail
14 blockades that were happening around the province. So that
15 filled that need by constructing this particular product.

16 **COMMISSIONER ROULEAU:** Now, given the progress
17 since then, and rail blockades are not something limited to
18 Ontario, and the issues that are being dealt with in Hendon from
19 my reading are not limited to Ontario, is this something that
20 should be taken up by the federal authorities to provide a
21 national Hendon report?

22 **COMM. THOMAS CARRIQUE:** It's certainly something
23 that could, and we would need to be an active contributor to
24 that, as would all other Police Services across Canada, but that
25 is something that would provide substantial value having a
26 national picture.

27 **COMMISSIONER ROULEAU:** And this is a -- I kind of
28 just -- I have a note that I'd like you to complete for me. You

1 talked about, and I may have the note wrong, that you thought
2 the protests at the two different ends of the province, being
3 Windsor and Ottawa, were -- I have a note something that they're
4 coordinated or planned. Did you say that, and as -- could you
5 explain, unpack that for me?

6 **COMM. THOMAS CARRIQUE:** Yeah. So my thoughts on
7 that are I did not feel it was merely circumstance that we had
8 two challenging demonstrations at the furthest points in the
9 southern part of the province. We had protests going on in
10 Ottawa that were challenging the capacity of police to respond.
11 To then have a demonstration at the Ambassador Bridge to be
12 going on at the same time, knowing the distance that it takes
13 for police to mobilise and look after both locations, while at
14 the same time there were demonstrations taking place in Toronto,
15 I believe that there is a possibility that that was organised
16 and coordinated by somebody or a group of people.

17 **COMMISSIONER ROULEAU:** And -- so that's your
18 belief, but I think you said you don't have any concrete
19 evidence of that in terms of any documentation or something to
20 support that other than you as a police officer who has been
21 involved?

22 **COMM. THOMAS CARRIQUE:** Absolutely no evidence,
23 Commissioner, just a suspicion, let's say, and something that I
24 think strategically had a responsibility to consider and be
25 aware of.

26 **COMMISSIONER ROULEAU:** Okay. And another
27 clarification, and I may have missed it. You'll recall the
28 February 5th exchange you had with Commissioner Lucki where

1 there was mention of the *Emergencies Act*, and you were asked
2 whether you had any other, and I know you had testified you
3 weren't aware when they declared the *Emergency Act*, but between
4 the 5th of February and the declaration, did you have any other
5 exchange where the *Emergencies Act* was raised with
6 Commissioner Lucki or anyone else?

7 **COMM. THOMAS CARRIQUE:** With Commissioner Lucki,
8 not to my recollection, and certainly not with anybody else, no,
9 sir.

10 **COMMISSIONER ROULEAU:** Okay. And then again, you
11 talked about a Incident Command Structure, the need for a
12 consistent Incident Command Structure across Canada, and I don't
13 know if -- I didn't make a note as to whether one exists or does
14 not exist. And if you could help me with that.

15 **COMM. THOMAS CARRIQUE:** There are defined Command
16 Structures, but it is up to the individual Police Services which
17 Command Structure they follow. So there would be some value in
18 ensuring that all Police Services are following a consistent
19 Command Structure. So in cases like this, where it warrants
20 moving police resources across the country, with more than 20
21 Police Services engaged, if we ever have to engage in something
22 like this again in the future, having that consistent Command
23 Structure would certainly be helpful.

24 **COMMISSIONER ROULEAU:** Okay, that's helpful,
25 thank you. There's one last area I want to, and again, I'm just
26 trying to get a little more information. And this deals with
27 the discussions you had with counsel for the OPP, and it's the -
28 - your enquiries about tools. And I'm trying to understand, did

1 you say you had some input about what would go into the *EMPCA*
2 Declaration of Emergency?

3 **COMM. THOMAS CARRIQUE:** Not into the Declaration
4 of Emergency, Commissioner, but there was legislation that
5 followed that through the *EMCPA*, and I was asked for my
6 professional advice from a law enforcement perspective, whether
7 there were any tools that would assist us with managing and
8 protecting critical infrastructure.

9 **COMMISSIONER ROULEAU:** Now, did you have any
10 input into the Ontario Declaration of Emergency on what went
11 into it?

12 **COMM. THOMAS CARRIQUE:** Not into the Declaration
13 of Emergency itself, but into the legislation that flowed
14 through the *ECMPA* that gave police officers those enforcement
15 tools, I had input into that, yes sir.

16 **COMMISSIONER ROULEAU:** So not the declaration but
17 the legislation that implemented it if you implemented the
18 tools?

19 **COMM. THOMAS CARRIQUE:** It gave us those
20 authorities, yes.

21 **COMMISSIONER ROULEAU:** And in that discussion,
22 did you ask for authority with respect to towing of vehicles?

23 **COMM. THOMAS CARRIQUE:** Or compelling ---

24 **COMMISSIONER ROULEAU:** Yes.

25 **COMM. THOMAS CARRIQUE:** --- for towing? That was
26 definitely discussed. There were a number of things that I
27 asked for that could not be supported by the Legal Team, and we
28 did have discussion around compelling service providers, but the

1 results of those discussions did not bear out in terms of tools
2 that were made available to us.

3 **COMMISSIONER ROULEAU:** And is that because you
4 understood the Act would not -- could not empower the Province
5 to do that or that it was a decision not to include it?

6 **COMM. THOMAS CARRIQUE:** Yeah, there was lots of
7 discussion that happened in my absence, and the decision -- it
8 did not appear in the Act, so I can't honestly say why it did
9 not or to what extent that was considered. There was lots of
10 discussion around it, lots of ideas proposed, and then we were
11 grateful to receive the legislation when we did.

12 **COMMISSIONER ROULEAU:** But you're -- I guess I'm
13 simply asking, was that one of your requests and then it went
14 into the black box and you don't know what happened after?

15 **COMM. THOMAS CARRIQUE:** Yeah, there was no
16 written request, Commissioner, so this was done through a series
17 of meetings and discussions. So I wouldn't want to honestly say
18 how far that discussion went, but that was certainly on the
19 table and something that had been discussed and we had talked
20 about a situation whereby we did have trouble getting a tow
21 truck to lend assistance when there was a blockade that had
22 emerged in and around the Peace Bridge and we had a challenge
23 getting tow trucks to provide the necessary assistance. So
24 these types of things were discussed but I can't say to what
25 extent given that it wasn't a written submission; it was merely
26 discussions where I had an opportunity to provide some input.

27 **COMMISSIONER ROULEAU:** I guess, to be clear, I
28 mean, was your input this would be helpful?

1 **COMM. THOMAS CARRIQUE:** To the best of my
2 recollection, I would say yes, because it was an issue that we
3 were experiencing, but I can't state with certainty how much
4 discussion we had on that.

5 **COMMISSIONER ROULEAU:** Now, we also had some
6 evidence you gave about exclusion zones and common-law power
7 about exclusions, and in fact there were powers given,
8 certainly, about the Ambassador Bridge and Interprovincial
9 Bridges under EMPCA, as I understand it; that's correct?

10 **COMM. THOMAS CARRIQUE:** Yes.

11 **COMMISSIONER ROULEAU:** Were there discussions or
12 do you have an understanding as to whether the exclusions around
13 Wellington were discussed in your input that you had?

14 **COMM. THOMAS CARRIQUE:** I can't say that specific
15 locations were discussed in and around Wellington. It was more
16 the categorization of critical infrastructure. So I can't say
17 that Wellington was discussed specifically.

18 **COMMISSIONER ROULEAU:** Was your understanding
19 from the EMCPA and the legislation that followed that you could
20 create an exclusion zone around Wellington under that emergency
21 legislation?

22 **COMM. THOMAS CARRIQUE:** My understanding was that
23 the officers could have exercised the authorities contained
24 within to use those enforcement tools, which wouldn't have been
25 the same as communicating an exclusion zone as defined under the
26 *Emergencies Act*. But if they were asked to disperse from the
27 area of critical infrastructure, the officers had the tools to
28 proceed with charges or seize vehicles, licences, permits under

1 the EMPCA. So that was a tool that was available to officers in
2 Ottawa in and on Wellington.

3 **COMMISSIONER ROULEAU:** And that's on the basis
4 critical infrastructure?

5 **COMM. THOMAS CARRIQUE:** Critical infrastructure.
6 So I don't have the legislation in front of me but I believe
7 that that would have fallen into the definitions of the types of
8 locations that would be covered by the EMCPA. If it's helpful,
9 the OPP did do up a chart that explained to the officers where
10 we felt the various powers would apply. It became very complex
11 for officers to try to navigate their way through these new
12 powers that they weren't used to in real time, so it may be very
13 helpful to walk through that chart at some point.

14 **COMMISSIONER ROULEAU:** So, just to be clear, your
15 understanding is Wellington was declared to be critical
16 infrastructure like the bridges and so on?

17 **COMM. THOMAS CARRIQUE:** Yeah, so I think I can be
18 much clearer. So contained in the EMCPA was the "not to block
19 any highway". So the definition of a "highway" would include
20 any roadway, so that would include Wellington. So highways were
21 deemed critical infrastructure which addresses the concern on
22 Wellington out in front of the Parliament Buildings. So the
23 roadway itself is deemed to be critical infrastructure.

24 **COMMISSIONER ROULEAU:** So blocking any roadway
25 would be critical infrastructure, then, under the Act?

26 **COMM. THOMAS CARRIQUE:** Yes, at that point in
27 time. And as time went on, those authorities were narrowed to a
28 much narrower scope to be specific to borders. But at that

1 point in time, it was blocking access to any highway, as I
2 understand it.

3 **COMMISSIONER ROULEAU:** So it would be -- it would
4 -- I guess you're explaining that that declaration prevented
5 blocking any roadway in Ontario. Essentially, you had the
6 powers under the Act to clear that.

7 **COMM. THOMAS CARRIQUE:** Absolutely, yes, sir,
8 that was my understanding.

9 **COMMISSIONER ROULEAU:** Okay. Well, thank you
10 very much for your testimony. Obviously, we've gone over. It
11 shows how your testimony was important to the parties and with
12 our thanks.

13 **COMM. THOMAS CARRIQUE:** Thank you very much,
14 Commissioner.

15 **COMMISSIONER ROULEAU:** You're free to go.
16

17 **COMM. THOMAS CARRIQUE:** Thank you.

18 **COMMISSIONER ROULEAU:** So we're going to adjourn
19 until tomorrow. I just wanted to make one additional point. As
20 I understand, we're starting with Former Chief Sloly tomorrow
21 and his evidence will be in-chief tomorrow. It's scheduled to
22 take the day. In the unusual circumstances where he will go
23 over to the next day, I've been asked whether there is any
24 difficulty with his counsel speaking to him over the weekend
25 before he enters cross-examination and I just wanted to see if
26 there were any issues being raised by counsel. It seems to me
27 reasonable under the circumstance but if there's any objection,
28 I'd like to hear it. If not, then I will be giving that leave

1 given the circumstances.

2 Seeing no objection, we will rise and will
3 reconvene tomorrow at 9:30.

4 **THE REGISTER:** The Commission is adjourned. La
5 Commission est ajournée.

6 --- Upon adjourning at 6:46 p.m.

7

8 **C E R T I F I C A T I O N**

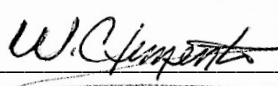
9

10 I, Wendy Clements, a certified court reporter, hereby certify
11 the foregoing pages to be an accurate transcription of my
12 notes/records to the best of my skill and ability, and I so
13 swear.

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15 Je, Wendy Clements, une sténographe officielle, certifie que les
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